



# Sexual

Harassment:

Working it Out

A TRAINING VIDEO AND DISCUSSION WORKBOOK

A Change Agent Project By



ONTARIO FEDERATION OF LABOUR (CLC)



Ontario Women's Directorate This tape may be borrowed.

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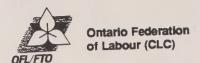


## SEXUAL HARASSMENT: WORKING IT OUT



-- DISCUSSION WORKBOOK --

A CHANGE AGENT PROJECT of the ONTARIO FEDERATION OF LABOUR and the ONTARIO WOMEN'S DIRECTORATE







#### **ACKNOWLEDGEMENTS**

This discussion guide, which accompanies the video program, *Sexual Harassment: Working it Out*, has been prepared by the Ontario Federation of Labour as part of a Change Agent Project supported by the Ontario Women's Directorate. The primary author of the guide was Daina Green.

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- Carrol Anne Sceviour, Human Rights Director/Women's Issues,
   Ontario Federation of Labour
- June Veecock, Human Rights Director/Race Relations,
   Ontario Federation of Labour

Both the video and guide are available in French (Aussi disponible en français)

### ONTARIO WOMEN'S DIRECTORATE: WHO WE ARE

The Ontario Women's Directorate (OWD) is a central agency within the Ontario government, reporting to the Minister Responsible for Women's Issues. Through policy development and review, program co-ordination, consultation and public education, the directorate assists the Government of Ontario in achieving its commitment to the economic, legal and social equality of women in Ontario. Of particular concern to the Ontario Women's Directorate are the special needs of aboriginal, francophone, immigrant and racial minority women, northern women and women with disabilities.

The Directorate's Consultative Services Branch works in partnership with unions, public and private sector employers, educators and community organizations to help plan, develop and implement equity initiatives that will benefit women and girls.

Consultative Services Branch develops and delivers workshops and seminars, technical guides, audio-visual and print information, training videos, workshop manuals and Change Agent demonstration projects on:

- Balancing Work and Family Responsibilities
  - Education and Training Equity
- . Gender and Racial Bias-Free Systems
- Occupational Integration
- . Sexual and Workplace Harassment
- . Workplace Equity.

The branch also administers the Directorate's Community Grants Program which funds community-based projects that help women achieve economic, legal and social equality. On behalf of the Directorate, the Consultative Services Branch supervises the Ontario Women's Directorate Northern Office which links northern women to a wide range of Directorate services.

#### FOR FURTHER INFORMATION, CONTACT:

Consultative Services Branch Ontario Women's Directorate 2 Carlton Street, 12th floor Toronto, Ontario M5B 2M9

Phone: (416) 314-0300 TDD: (416) 314-0248 Fax: (416) 314-0256

## ONTARIO FEDERATION OF LABOUR: WHO WE ARE

The Ontario Federation of Labour (OFL) is the province's "house of labour", or central labour body. Just as workers unite in a union to protect their rights, so do union locals unite in a central labour body to further their aims and objectives.

From its inception in 1957, the OFL has grown to represent some 800,000 Ontario workers in more than 2,000 affiliated local unions.

As with other provincial labour federations, the OFL is directly chartered by the Canadian Labour Congress. A full-time president, secretary-treasurer and executive vice-president oversee the day-to-day operations. Along with 21 vice-presidents representing a cross-section of affiliates, they are elected biennially to form the OFL Executive Board.

Executive Board members chair the various OFL standing committees that supervise ongoing policy concerns; strike co-ordination and support, education, energy and environment, human rights, labour relations, occupational health and safety, peace and disarmament, pensions, political education, social services, women and workers' compensation. The Federation also works closely with other social justice groups on these issues.

Policy conventions are held biennially at which time union members help set OFL policy and future directions for the labour movement.

#### FOR FURTHER INFORMATION CONTACT:

Ontario Federation of Labour 15 Gervais Drive, Suite 202 Don Mills, Ontario M3C 1Y8 Phone (416) 441-2731 or 1 800 668-9138 Digitized by the Internet Archive in 2024 with funding from University of Toronto

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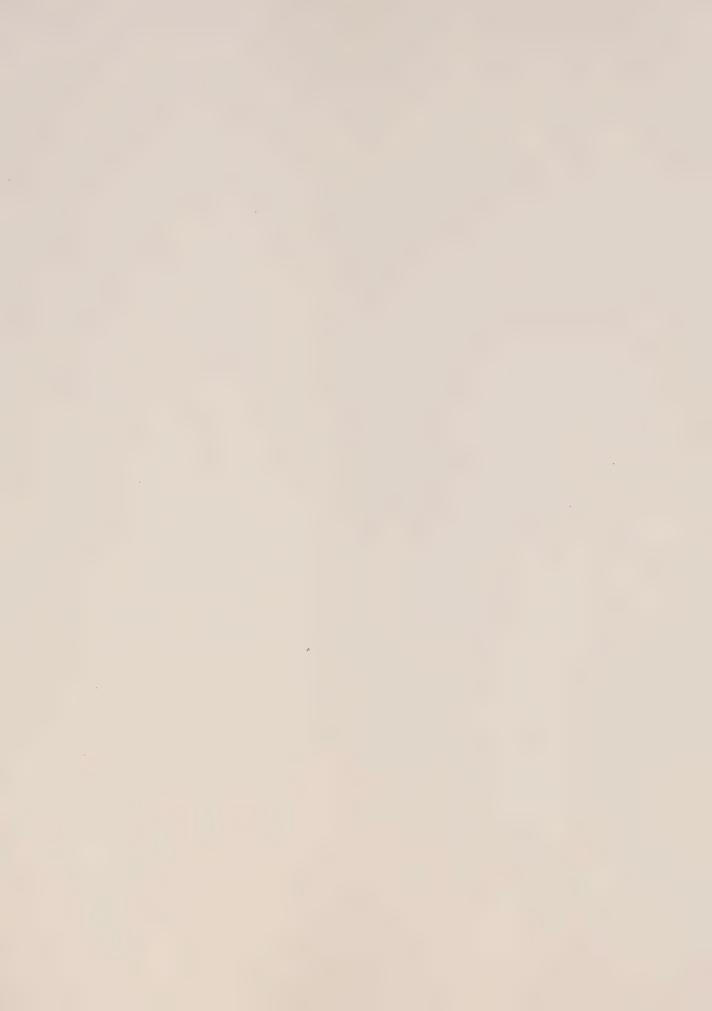
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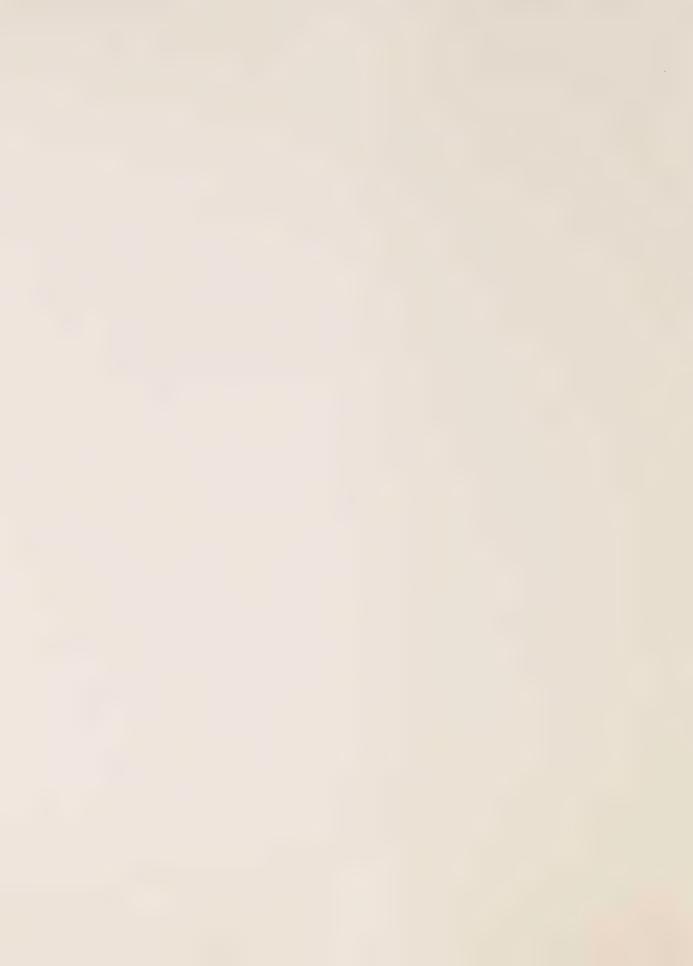
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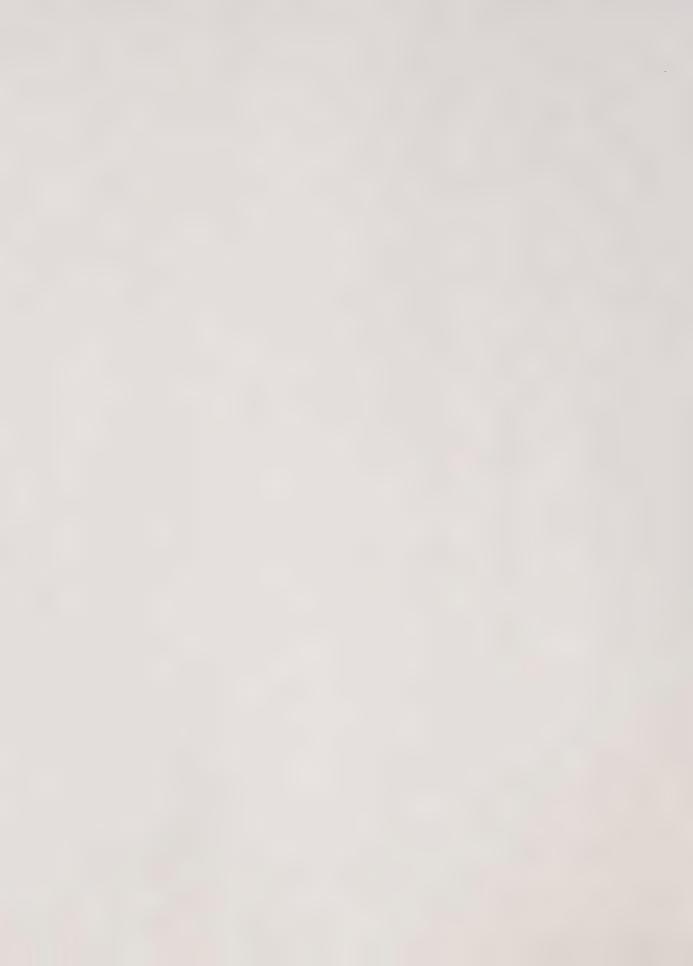




#### SECTION I

GENERAL NOTES FOR WORKSHOP/DISCUSSION LEADERS

INTRODUCTION



#### GENERAL NOTES FOR WORKSHOP/DISCUSSION LEADERS

#### HANDLING TENSION IN THE DISCUSSION SESSION

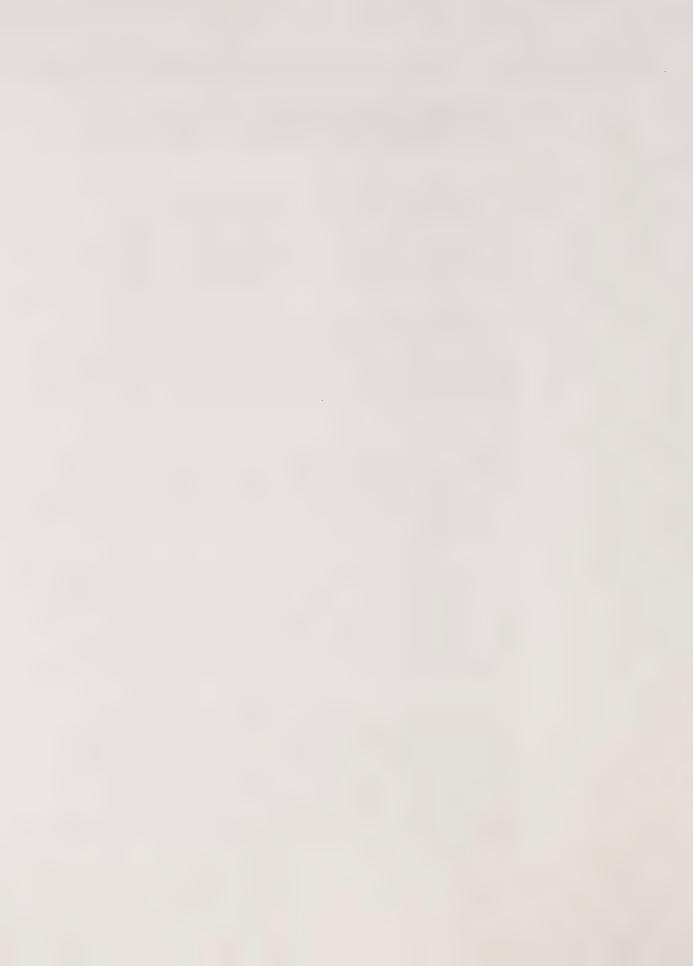
We are used to discussing union policies and ways to implement them. But there is something about the harassment issue that makes many trade unionists feel personally very uncomfortable and uneasy.

It is important for the group to discuss their own feelings of discomfort, resentment, or anxiety in talking about racist, sexist and homophobic behaviour. People feel their own roles being challenged when we discuss prejudice, "gender politics", power politics, and discriminatory actions. Society's norms are in a state of flux and many people are not sure what is expected of them and how to cope with the changing ground.

Another source of tension is that the participants may be thinking like stewards as they discuss the issues. They may see a different role is called for in handling sexual harassment situations than the one they are used to handling in other grievances and complaints. Stewards and staff reps are used to defending members accused by management and protecting them against unfair discipline.

In dealing with harassment incidents, the person making the allegation is probably a member of the union. The accused person may be a member too. Both parties need due process, and the steward may feel unreasonably pulled to play both roles. Stewards need to look for new ways to handle these cases, with the help of others. Otherwise, a union rep may feel paralyzed or confused about how to be "fair".

These tensions may be just under the surface in the room when the course begins. For participants of a group to feel comfortable in discussing sexual and racial harassment, they must get the sense from the course leader that they will not be jumped on or judged for any comment they make, however provocative or emotional that might be. It is hard to get beyond the hurt that comes from feeling attacked. Sometimes people have to get their feelings off their chest before they are able to move on to a more open perspective.



The course leader can help create this environment by acting more like a "traffic director" than an "enforcer". The leader makes sure that all members of the group have the opportunity both to *express* their opinions and *modify* their positions as they go along.

It also means *modelling* a tolerant and sensitive approach to the issue yourself. As a course leader, you will have more credibility if you share some of your own experiences, doubts and feelings, without getting preachy. You too have been unsure of how to deal with certain situations, such as when someone makes a derogatory joke or makes a comment about someone's dress or origin. No one has all the answers; no one is an expert. We are all trying to make sense of our experiences and working to create an environment where everyone feels valued and secure.

Some of the reasons people give for feeling uncomfortable with discussing harassment, especially sexual harassment, are:

- \* as men, feeling guilt (because we have done something harassing or have been silent witnesses) and fear that if we label this behaviour as unacceptable, we may end up excluded from our own group;
- \* for women, being afraid of being further isolated, labelled, told we have no sense of humour, or even becoming the target of attacks;
- \* feeling uncomfortable taking on someone who makes a sexist remark or joke one-on-one;
- \* feeling apprehensive that if we take the wrong side in a harassment incident, we may be making a mistake which is hard to "fix" afterwards;
- \* feeling there is so much "grey area" it's hard to know what is acceptable to others;
- being used to fighting employers on behalf of our members --but not being so sure how we can defend the accused person and support the person who makes the allegation;



- \* fear of dividing or polarizing the membership over incidents of harassment:
- \* not knowing the specific procedures to follow when handling an incident or complaint about harassment which is different from other cases that reps handle;
- \* fearing that we will have to "watch ourselves" in our socializing, being resentful that we won't be able to joke, tease each other, or kid around any more without someone taking it "the wrong way".

#### BE PREPARED:

Leading sessions on harassment can be potentially explosive. Be prepared for different responses, such as the following:

- \* Discussions of harassment may lead to members of the group making confidential revelations, either to the group as a whole or privately to the course leaders. Individuals may recount personal experiences with sexual assault, incest, or other forms of sexual abuse. Bringing these memories to the surface may involve reliving past horrors that have been secretly locked away and not even consciously remembered.
- \* Some women and men, who have been terribly hurt by harassment, violence or other abuse, will be angry. Often their anger is directed at men. Women who like men and their relationships with men may feel guilty or defensive about the anger expressed. This is a situation in which comments about "man-haters" may be expressed.
- \* Men who feel threatened by the discussion may use indirect ways to sidetrack the discussion. They may try to focus on something off the topic they <u>do</u> want to talk about, in an area where they feel "in charge", or begin distracting side conversations. You can't make people contribute or participate. In balancing the interests in the room, you should focus on making sure that those

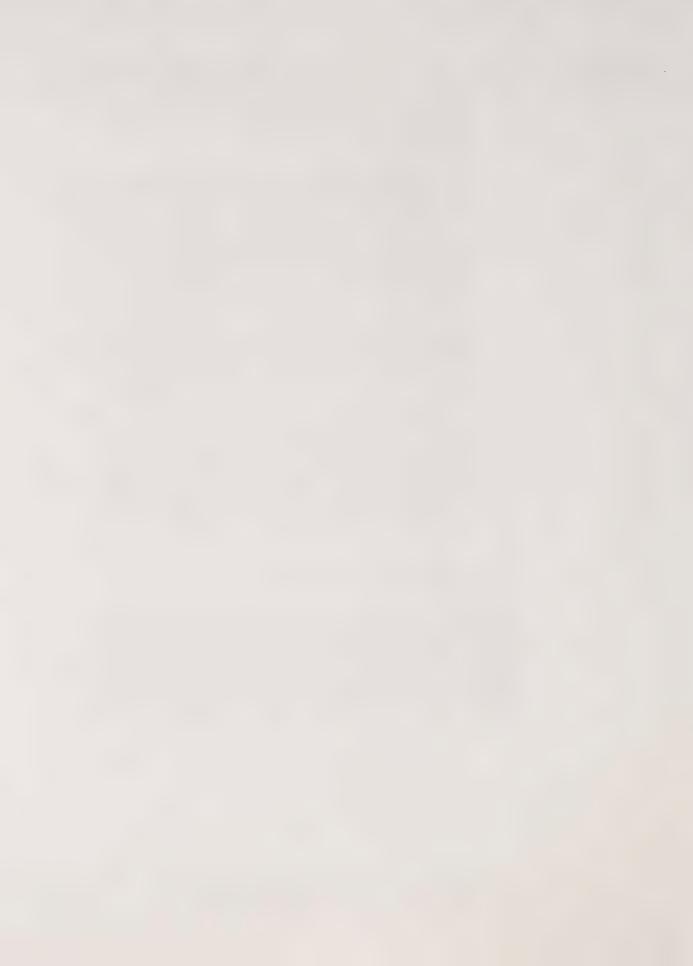


participants who do want to discuss harassment can get on with the session.

- \* Some women may blame other women for the problem of sexual harassment. They perceive that if these women were strong and assertive to begin with, they wouldn't be victims. Interestingly enough, there may be women who present themselves (and are perceived by others) as assertive and strong who may be experiencing guilt and self-blame for incidents of sexual harassment or abuse they did not deal with "as a feminist should".
- \* They may also focus on women who, in their view, invite and deserve harassment. This view may persist despite a discussion of the fact that women of all ages, style of dress, or degree of physical "attractiveness", become targets of harassment.
- In recounting personal experiences, women may first describe situations in which they responded assertively to end the aggression against them. This is the least risky type of disclosure. The course leader must ensure the group also understands that many times, victims of harassment and intimidation are *not* able to respond assertively.

#### INVOLVING TWO WORKSHOP LEADERS:

If there are two leaders, it helps to have both involved in group discussions -- one ensuring that everyone gets a chance to speak and that all the points are covered ("traffic director"), and the other paying attention to the reactions of group members, tensions, interpersonal and group dynamics, and emotional responses ("fire fighter"). Two leaders are ideal. Even more ideal is to have one male leader and one female leader.



#### INTRODUCTION

This workbook is intended for use by rank and file union members and discussion leaders. It accompanies the video, <u>Working it Out</u>, which deals with workplace harassment.

Your discussion may be just half an hour following the screening of the video. Or, you may be able to set aside a half day or a full day to discuss issues raised by the video in thinking about your own workplace. This workbook will help you set up the discussion according to the time you have available.

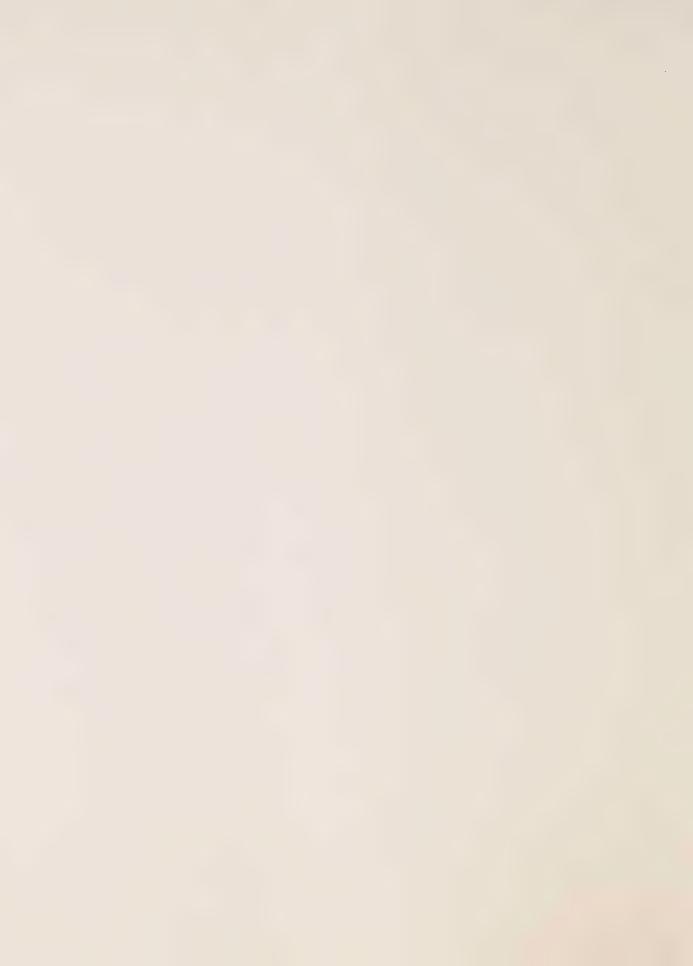
This workbook has several sections:

- I) GENERAL NOTES AND INTRODUCTION
- II) QUESTIONS FOR DISCUSSION FOLLOWING A SCREENING
- III) HALF DAY WORKSHOP
- IV) FULL DAY WORKSHOP
- V) ACTION GUIDE
- VI) OTHER RESOURCES
- VII) HANDOUTS

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#### SECTION II

THE ISSUES

QUESTIONS FOR DISCUSSION FOLLOWING SCREENING OF THE VIDEO:

**ABOUT SEXUAL HARASSMENT** 

ABOUT WAYS WOMEN ARE EXCLUDED FROM FULL PARTICIPATION

ABOUT MAKING THE WORKPLACE FREE OF SEXUAL HARASSMENT



#### THE ISSUES

Sexual harassment affects a majority of women workers at one time or another. Women are harassed by their male colleagues and supervisors as a power play, to put them "in their place". In other cases, men use coercive (forceful) expressions of sexuality as a misdirected form of social contact.

Physical appearance usually has nothing to do with the selection of a "victim". In fact, the only thing most women "do" to bring on such behaviour is to exercise their rights to work on a job. It is a woman's very presence that makes some men feel threatened or uncomfortable. Men are also sometimes the victims of sexual harassment, although it is clear that women are harassed at work far more often.

When a person is harassed, it may affect others of the same group in the workplace. Harassing one woman at a non-traditional job site or in an office may make other women in the same workplace feel unsafe or unwelcome. Posting racist or sexist cartoons or "girlie" pictures around the job site may have a similar, though more subtle effect, on individuals and groups.

The stress of harassment can be very severe. Harassment causes anxiety, depression, feelings of guilt, or low self-worth. It often leads to time off work and problems at home. The emotional problems brought on by harassment can be long-lasting and victims may need counselling or help from professional therapists.

As trade unionists, we ask ourselves these questions:

- I. If harassment is so harmful, why does it continue to go on?
- II. Why do men do it?
- III. Why is it covered up and tolerated?



- IV. What is our role as trade unionists to eliminate this destructive behaviour?
- V. How can we make the workplace free of harassment?

This video features a series of situations and reflections about sexual harassment in the workplace. It was developed as a joint project of the Ontario Women's Directorate and the Ontario Federation of Labour. It is meant to be a tool for discussion about the sensitive and sometimes controversial issues relating to changes in the roles of women at work, in our unions, and in society.

The video can be screened by union members and leaders in local, regional and special meetings, conferences, and educational sessions.

Your discussions about the video and sexual harassment can be expanded into a half-day or full-day educational workshop. If you have time, you will be able to help people get down to their most deeply-held beliefs and feelings about women's place in the workplace and in society. It takes a good deal of respectful listening to allow a full discussion. Sometimes it takes plenty of time and a tolerant atmosphere for people to question their own opinions and develop new understandings. It helps for them to hear themselves!

On page 2 of Section III, and on page 2 of Section IV, you will find an outline for a half day and full day workshop.



#### "SEXUAL HARASSMENT: WORKING IT OUT" VIDEO

Have your partner set up the video while you introduce it:

- ♦ 20 minutes long
- a joint project of the OFL and the Ontario's Women's Directorate to raise awareness of sexual harassment with union leaders and members. Women victims of harassment in the workplace tell their stories. Spokespersons from different unions (USWA, CUPE, CAW, PSAC, etc.) explain how important this issue is to unions in the 90s and what we can do to address it.



# QUESTIONS FOR DISCUSSION FOLLOWING A SCREENING OF THE VIDEO

The following are some suggested questions to get the discussion moving. They are suitable for discussion by the whole group, or for groups of four to seven.

#### A ABOUT HARASSMENT:

- 1. Do men and women view sexual harassment differently? If yes, in what ways?
- 2. Do women in non-traditional occupations face a different environment with regard to harassment? How so?
- 3. Do people usually know when their sexual attentions are unwanted or unwelcome?
- 4. What is the responsibility of the supervisor if one worker is harassing another?
- 5. When should someone being harassed go to the supervisor and when should she go to her union rep?
- 6. What effects can harassment have on a person outside of work?
- 7. What is a "poisoned environment"? What are the effects on people who have been targets of harassment?
- 8. When do men get harassed sexually? Is there a pattern?
- B. ABOUT WAYS WOMEN ARE EXCLUDED FROM FULL PARTICIPATION:
- 1. Thinking about the union structure in your own workplace, are there any barriers to the full participation of women (or members of minority groups)? What are they?



- Do women participate to the same degree as men in the life of the union and local? Think about the make-up of the executive, who attends general membership meetings, who sits on committees, etc.
- 3. Is there anything around the work site or in the way union activities are organized that could make women feel unwelcome (degrading pictures or graffiti, male-only departments or work areas without female washrooms or change rooms)?
- 4. If fewer women participate, what might account for it? Meeting or course times? Family responsibilities? Women working part-time? Hostility toward some women members or women of certain backgrounds?
- 5. How has the situation for women changed in the last number of years? What has not changed? Is your life today (or your sister's) better than your mother's life?
- C. MAKING THE WORKPLACE FREE OF SEXUAL HARASSMENT:
- 1. What can union members do to (a) remove barriers (b) protect the dignity of all workers, and especially (c) to encourage women to participate more?
- 2. What kind of educational program might be effective in your workplace?
- 3. Does your union or local have a policy on harassment? Are members familiar with it? How is it used?
- 4. What has your management done to make supervisors aware of their role in preventing harassment? Is it working? Do front line supervisors get support from upper management?





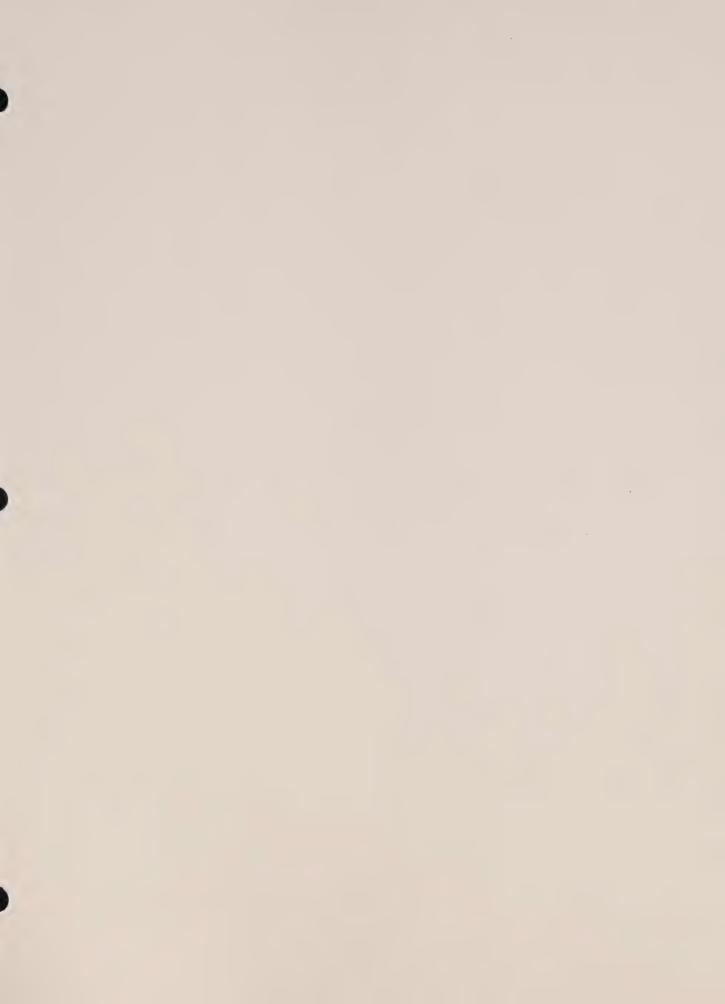
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# SECTION III

# HALF DAY WORKSHOP ACTIVITIES

THE ISSUES

IDENTIFYING HARASSMENT AND DISCRIMINATION

WHEN IS IT HARASSMENT

STEPS TO PREVENT OR ELIMINATE HARASSMENT

WRAP UP



#### OUTLINE FOR A HALF DAY WORKSHOP

- Introductions (15 minutes)
   Workshop leader(s) introduce themselves and the topic
   Group members introduce themselves
- Show video "Working it Out" (20 minutes)
   Group discussion using section A) of the video discussion questions (10 minutes)
- Sexual Harassment Scenarios: Is it Harassment?
   Small groups tackle the exercise (15 minutes)
   Groups report back on scenarios (20 minutes)

### Refreshment break (15 minutes)

- 4. Defining Harassment
  Whole group works on collective definition of harassment
  (including poisoned environment) (15 minutes)
  Workshop Leader(s) Summarizes (15 minutes)
- Steps that Local Union leadership can take in the workplace to prevent or eliminate harassment
   Small group or entire group discussion using the video discussion questions in section C) (15 minutes)
   Workshop Leader(s) Summarizes (10 minutes)
- 6. Wrap Up of Workshop

  Thinking about future action (10 minutes)

  Feedback (10 minutes)



#### THE ISSUES

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# QUESTIONS FOR DISCUSSION FOLLOWING SCREENING OF THE VIDEO

The following are some suggested questions to get discussion moving. There may not be time for all of the questions, select a few from A (B & C questions are used in a latter section). They are suitable for discussion by the whole group, or for groups of four to seven.

### A. ABOUT HARASSMENT:

- 1. Do men and women view sexual harassment differently? If yes, in what ways?
- 2. Do women in non-traditional occupations face a different environment with regard to harassment? How so?
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# B. ABOUT WAYS WOMEN ARE EXCLUDED FROM FULL PARTICIPATION:

1. Thinking about the union structure in your own workplace, are there any barriers to the full participation of women (or members of minority groups)?

What are they?

- Do women participate to the same degree as men in the life of the union and local? Think about the make-up of the executive, who attends general membership meetings, who sits on committees, etc.
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- 2. What kind of educational program might be effective in your workplace?



- 3. Does your union or local have a policy on harassment? Are members familiar with it? How is it used?
- 4. What has your management done to make supervisors aware of their role in preventing harassment? Is it working? Do front line supervisors get support from upper management?



## LEADING THE EXERCISE: HARASSMENT SCENARIOS

Distribute a copy of the scenarios to each participant. Divide the group into small groups of four or five. Keep an eye out for gender balance. Ask each small group to review three or four scenarios, and to select a reporter. For example, if your group has twenty-five people, divide them into five groups of five. Again, if time is a problem, you can limit the number of scenarios. Divide the scenarios as follows:

Group 1 -- Situations 1, 2, and 3
Group 2 -- Situations 4, 5, and 6
Group 3 -- Situations 7, 8, and 9
Group 4 -- Situations 10,1 and 2
Group 5 -- Situations 3, 4, and 5

After the groups have reached their conclusions on the situations you assigned to them, the de-briefing is done as a group.

As the reporter for each group gives the result of the group's discussion on each situation, the course leader should note some key reasons on the flip chart. All together, these will form the basis of a definition of what is and what isn't harassment.

### Questions to ask the reporters:

- a) If you felt the situation <u>was</u> a case of harassment, what elements made it harassment?
- b) If you felt it wasn't, what were the elements that were missing? What would have made it a case of harassment?
- c) If you thought the situation might be a case of harassment, what information would you search for to be sure? What elements would make it definitely a case of harassment?

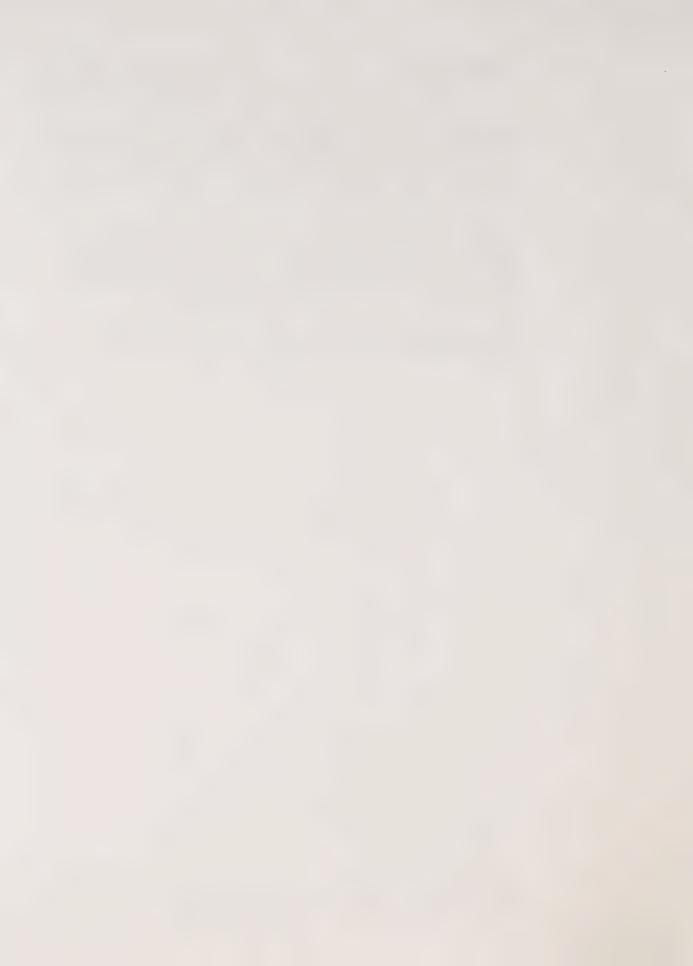
As you note the reasons each group gives on the flip chart, mark any element which comes up more than once with a check mark. You will be creating a list of elements of harassment.



If any other group considered the same situation, check with that group for any other reasons for the decision. If there is disagreement, try to find the common elements as well as the elements where there is no consensus. Other course participants may have differing opinions, and theirs should be noted as well

At the end of the report-back of all the group reporters, read out the elements you have noted on the flip chart. Ask for any other defining terms of sexual or racial harassment. Make sure to include <u>poisoned</u> workplaces and other indirect forms of harassment.

Let the group know that together they have come up with a fairly comprehensive definition of harassment.



### SEXUAL HARASSMENT SCENARIOS: IS IT HARASSMENT?

### **WORKSHOP LEADERS' NOTES**

This exercise can either be conducted in a small group or as a full group discussion. Another option to meet time limitations is to select only a few of the incidents or behaviours.

Break the workshop into smaller groups and have your partner distribute the handouts. Below is a list of incidents or behaviours. The group's task is to place each one in one of the following categories:

- A. DEFINITELY SEXUAL HARASSMENT
- B. COULD BE SEXUAL HARASSMENT
- C. DEFINITELY NOT SEXUAL HARASSMENT

Ask the groups to pick a member of their group to report back.

### OHIZ

- Louis and Marguerite work in the same office. Whenever Louis is near Marguerite, he makes a point of brushing against her or rubbing her back. Marguerite doesn't like it and has told Louis that it upsets her. Louis persists.
- Maria is new on the job. On her third day at work, her boss,
   Daniel, commented that they would have to get to know each other better since they would be working closely. He then invited her for a drink after work.
- 3. Hassan is a stock clerk. All of his co-workers are female. He is young and attractive, and the women take turns teasing him about his physique and making suggestive remarks. As a result, Hassan often finds it hard to concentrate on his work. This has led to



work errors, and Hassan has been given a warning by his boss. Hassan has now asked the women to stop, but they treat it as a big joke and continue.

- Several workers and a supervisor are telling sex jokes at their table during coffee break. Leslie, who is sitting at a nearby table, overhears several of the jokes and is upset.
- 5. A vacancy has been created in Marek's department for the position of assistant supervisor. Jack and Brenda have both applied for the position. At the end of her interview, Marek gives Brenda a knowing smile and invites her to continue the interview tonight at his apartment.
- 6. Robert is a local union president and has an established reputation as a womanizer. At one time or another, he has made a pass at every woman activist in the local and at conferences.

  Jocelyne is a new delegate from the local attending a union conference with Robert. On his return from lunch, Robert compliments Jocelyne on her appearance and gives her a rose and a wink.
- 7. Denise is an attractive young woman with a "good figure". She wears flashy clothes and loves to get compliments on her appearance. She handles herself well and usually gets the notice she wants, especially from Brian, who makes no secret of his admiration for Denise's looks. This upsets several of her female co-workers who have complained about Brian's "attitude".
- 8. During local elections, Fatima and Raymond are both running for president. Some of Raymond's supporters have been spreading rumours about Fatima's supposed affair with a staff rep. One of Fatima's supporters sees one of Raymond's supporters writing "slut" on one of Fatima's campaign flyers and there is graffiti referring to Fatima's sex life in the men's washroom at work.
- Gabrielle is a new delegate at a two-day union conference out of town. After the day's session, she goes out for dinner with a group of members from her local and some new acquaintances



from a local in another city. That night, at two in the morning, her hotel room phone rings. A man's voice says, "Hey, Gabby, don't you want to party? I know what room you're in." Gabrielle hangs up the phone without saying a word, and lies in bed feeling scared for more than an hour.

10. Roy works on a cable installation crew. One day at lunch, the group was sitting around telling jokes. Some of the jokes were about homosexuals, and Roy told his co-workers that he objected to them. This didn't go over very well with the guys, who now call Roy a "faggot" or "queer". In fact, one of the crew members told the supervisor he doesn't want to work on the same crew with a homosexual and has asked for a transfer.



### WHAT IS SEXUAL HARASSMENT?

#### **BACKGROUND INFORMATION:**

Together the participants in your group can probably come up with the main elements of a definition of harassment, especially after seeing the video. Use a flip chart to write down the elements people raise. The attached exercise involves some typical situations. As people discuss them, it will begin to provide a basis for defining harassment, and you may find it a useful starter.

After you hear from the participants, <u>summarize</u> the discussion. You may touch on the following points:

- 1) Harassment refers to unwelcome attention which is intended to or has the effect of making a member of an identifiable group (women, persons of colour, people with disabilities) feel degraded or unwelcome. When it is sexual harassment, the attention is related to the person's sex. The intent does not really matter. The effect counts.
- 2) Our understanding of harassment and our obligation to get rid of it in our own "house of labour" is growing. We are learning to take steps to prevent harassment and to deal with incidents which may arise between members and between members and supervisors at work. Most incidents of sexual harassment involve co-workers, not management.
- 3) Every employer operating in Ontario has a legal responsibility to provide a workplace free of harassment, whether by managers or between co-workers. Federally-regulated sectors fall under the jurisdiction of the Canadian Human Rights Act. Other Ontario workplaces are covered by the Ontario Human Rights Code. In practice, this means employees and unions can complain about incidents of harassment, and the employer may be responsible. A worker can complain that the employer



- <u>failed</u> to take the necessary steps to prevent or halt harassment against her.
- When there are sexist or racist cartoons on the walls, or sexist or degrading talk about women which is tolerated among workers, the workplace itself becomes a "poisoned work environment". A workplace may be "poisoned" or hostile even if no individual has actually directed a harassing action against another person. Sometimes a workplace may be so hostile that a worker who has been harassed feels she will never be comfortable there again.
- Our understanding of appropriate behaviour as union brothers and sisters is in a state of evolution. We do not all hold the same beliefs about what is appropriate and how offenders should be treated. At least in this workshop, we hope to create a non-judgmental environment where everyone's opinion can be expressed and where all participants will be respected.
- 6) We must keep looking for ways to eliminate the source of complaints by taking an active role in making our environment free of elements that may offend, such as pictures, jokes, graffiti, insulting forms of address or nicknames, and comments of a sexual or racist nature. We must also make sure to support those who are most vulnerable to attack, such as women in non-traditional jobs, before anything happens.
- 7) Dealing with complaints and grievances relating to allegations of harassment is different from other matters stewards handle. As union activists, we are used to defending accused members against unfair discipline. We need special procedures to deal with member-to-member harassment. Workers who become victims of harassment need union protection and support. We also must protect alleged harassers from harsh actions by employers and lack of due process.



Sexual harassment is <u>not</u> just an extension of "courting" behaviour. Of course people have social relationships on the job and many romances begin there. Harassing behaviour is different because it is unwelcome attention, and frequently persistent. Its objective is to intimidate the target and make that person feel unwelcome and unsafe. Making one woman feel unwelcome can make <u>other</u> sisters in the same workplace feel equally vulnerable. Harassment is more an expression of <u>power than sexual attraction</u>, based on an unequal relationship between the harasser and the victim.

Remember why we discuss the issue: to give participants a chance to examine their own beliefs, think through the reasons harassment occur and learn how to deal with incidents which may arise.



# PREVENTING INCIDENTS OF HARASSMENT AND DISCRIMINATION

### **WORKSHOP LEADERS' NOTES**

Either in small groups or workshop use questions in section C of the video discussion questions to discuss ways of preventing or eliminating harassment.

### Wrap up

The best way to deal with incidents of sexual harassment is to prevent them. How do you make your workplace safe and welcoming to women and minorities? You can start by removing degrading pictures and graffiti. Explaining and discussing in clear language to workers on the job what type of jokes and comments make women feel excluded, humiliated, or threatened. Your discussions can also focus on how to support women's rights.



### WRAP UP

USING A FLIP CHART, ASK THE WORKSHOP TO BRAINSTORM ON FUTURE ACTIONS THAT THEY ARE COMMITTED TO DO, ACTIONS FOR THEIR LOCAL, AND ACTIONS FOR THEIR UNIONS:

In closing, do a quick "go-around" asking the participants to take a minute to say one thing about the day; a highlight, something they learned, or something they liked about taking the workshop.

Thank the group for their hard work/participation.



NOTES	
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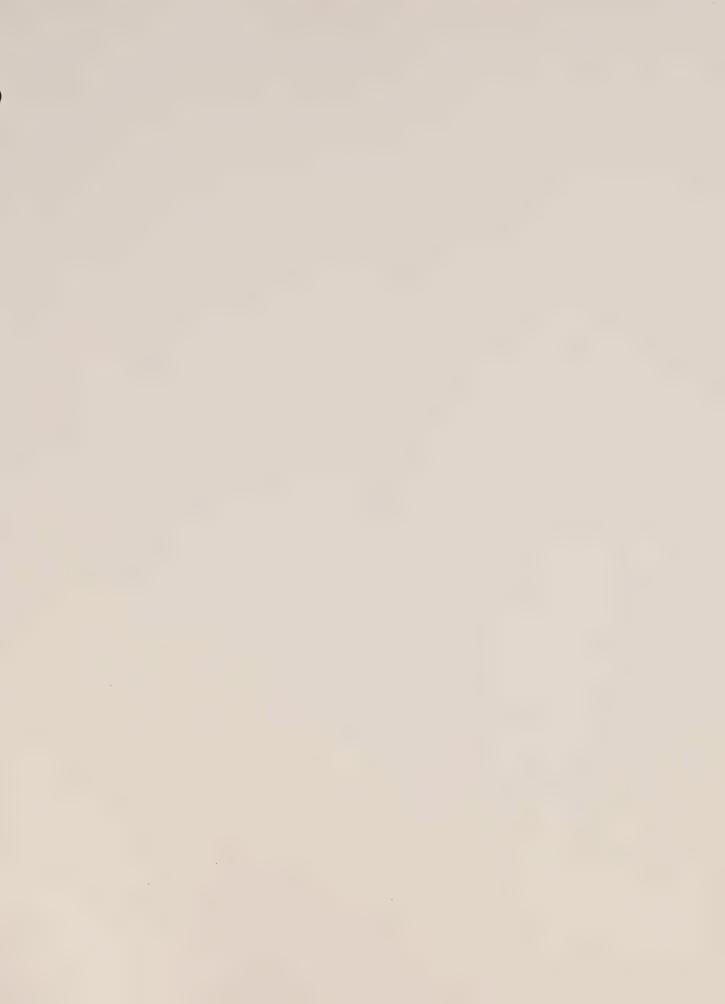


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## **SECTION IV**

## **FULL DAY WORKSHOP ACTIVITIES**

THE ISSUES

IDENTIFYING HARASSMENT AND DISCRIMINATION

WHEN IS IT HARASSMENT

WHAT IS SYSTEMIC DISCRIMINATION: IDENTIFYING BARRIERS

STEPS TO PREVENT OR ELIMINATE HARASSMENT

HANDLING COMPLAINTS OF HARASSMENT

WRAP UP



### OUTLINE FOR A FULL DAY WORKSHOP

#### MORNING

1. Introductions

Workshop Leader(s) introduce themselves and the topic (10 minutes)
Group members introduce themselves and make a brief

Group members introduce themselves and make a brief statement about their expectations for the day (20 minutes)

2. Show video "Working it Out"

Play video (20 minutes)

Group discussion (or small groups, if desired) using a selection of questions from section A) of the video discussion questions (20 minutes)

### **REFRESHMENT BREAK (15 minutes)**

- Sexual Harassment Scenarios: Is It Harassment?
   Small groups tackle the exercise (15 minutes)
   Groups report back on scenarios (30 minutes)
- 4. Defining Harassment

Whole group works on collective definition of harassment (including poisoned environment) (15 minutes)
Workshop Leader(s) Summarizes (30 minutes)

- 5. Systemic Discrimination and Harassment: Identifying Barriers
  Group discussion (or small groups, if desired) using
  section B) of the video discussion questions (20 minutes)
- 6. Steps to <u>prevent</u> or eliminate harassment
  Small group or group discussion using section C) of the video discussion questions (15 minutes)
  Workshop Leader(s) Summarize (15 minutes)



### LUNCH BREAK

### AFTERNOON SESSION

A. Discussion of steps to take in handling incidents of harassment
Workshop Leader reviews procedures with whole group
using handout in *Action Guide*, Section V (25 minutes)
Small groups organize the steps in order of which should
come first (20 minutes)

Small groups report back to whole group and discuss (20 minutes)

B. Working through situations

Groups of four or five use handout <u>Situations for Role</u>
<u>Plays and Strategies</u> to work through sample situations of sexual harassment incidents (20 minutes)

**REFRESHMENT BREAK (15 minutes)** 

Small groups present role plays and discuss (40 minutes)

- C. Sexual Harassment Legislation and Policy
  Access to Human Rights legislation (15 minutes)
  Review of sample policies and contract clauses (15 minutes)
- D. Wrap Up of Workshop

  Thinking about future action (15 minutes)

  Feedback (15 minutes)



### THE ISSUES

Sexual harassment affects a majority of women workers at one time or another. Women are harassed by their male colleagues and supervisors as a power play, to put them "in their place". In other cases, men use coercive (forceful) expressions of sexuality as a misdirected form of social contact.

Physical appearance usually has nothing to do with the selection of a "victim". In fact, the only thing most women "do" to bring on such behaviour is to exercise their rights to work on a job. It is a woman's very presence that makes some men feel threatened or uncomfortable. Men are also sometimes the victims of sexual harassment, although it is clear that women are harassed at work far more often.

When a person is harassed, it may affect others of the same group in the workplace. Harassing one woman at a non-traditional job site or in an office may make other women in the same workplace feel unsafe or unwelcome. Posting racist or sexist cartoons or "girlie" pictures around the job site may have a similar, though more subtle effect, on individuals and groups.

The stress of harassment can be very severe. Harassment causes anxiety, depression, feelings of guilt, or low self-worth. It often leads to time off work and problems at home. The emotional problems brought on by harassment can be long-lasting and victims may need counselling or help from professional therapists.

As trade unionists, we ask ourselves these questions:

- I. If harassment is so harmful, why does it continue to go on?
- II. Why do men do it?
- III. Why is it covered up and tolerated?



- IV. What is our role as trade unionists to eliminate this destructive behaviour?
- V. How can we make the workplace free of harassment?

This video features a series of situations and reflections about sexual harassment in the workplace. It was developed as a joint project of the Ontario Women's Directorate and the Ontario Federation of Labour. It is meant to be a tool for discussion about the sensitive and sometimes controversial issues relating to changes in the roles of women at work, in our unions, and in society.

The video can be screened by union members and leaders in local, regional and special meetings, conferences, and educational sessions.

Your discussions about the video and sexual harassment can be expanded into a half-day or full-day educational workshop. If you have time, you will be able to help people get down to their most deeply-held beliefs and feelings about women's place in the workplace and in society. It takes a good deal of respectful listening to allow a full discussion. Sometimes it takes plenty of time and a tolerant atmosphere for people to question their own opinions and develop new understandings. It helps for them to hear themselves!

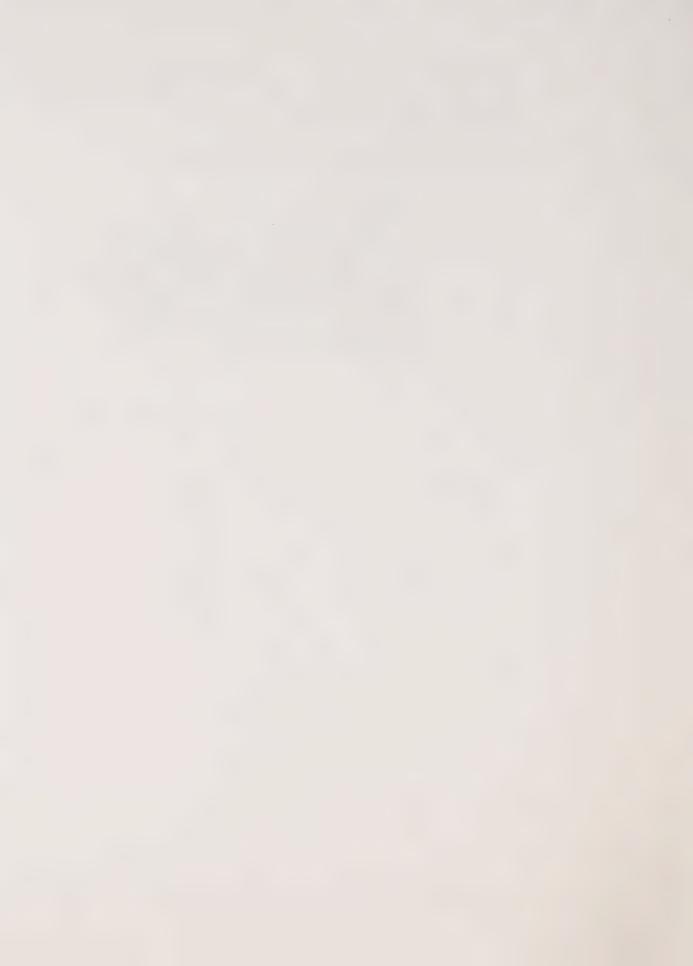
On page 2 in Section III and on page 2 in Section IV, you will find an outline for a half day and full day workshop.



## "SEXUAL HARASSMENT: WORKING IT OUT" VIDEO

Have your partner set up the video while you introduce it:

- 20 minutes long
- a joint project of the OFL and the Ontario's Women's Directorate to raise awareness of sexual harassment with union leaders and members. Women victims of harassment in the workplace tell their stories. Spokespersons from different unions (USWA, CUPE, CAW, PSAC, etc.) explain how important this issue is to unions in the 90s and what we can do to address it.



# QUESTIONS FOR DISCUSSION FOLLOWING SCREENING OF THE VIDEO

The following are some suggested questions to get discussion moving. There may not be time for all of the questions, select a few from A (B & C questions are used in a latter section). They are suitable for discussion by the whole group, or for groups of four to seven.

## A. ABOUT HARASSMENT:

- 1. Do men and women view sexual harassment differently? If yes, in what ways?
- 2. Do women in non-traditional occupations face a different environment with regard to harassment? How so?
- 3. Do people usually know when their sexual attentions are unwanted or unwelcome?
- 4. What is the responsibility of the supervisor if one worker is harassing another?
- 5. When should someone being harassed go to the supervisor and when should she go to her union rep?
- 6. What effects can harassment have on a person outside of work?
- 7. What is a "poisoned environment"? What are the effects on people who have been targets of harassment?
- 8. When do men get harassed sexually? Is there a pattern?



# B. ABOUT WAYS WOMEN ARE EXCLUDED FROM FULL PARTICIPATION:

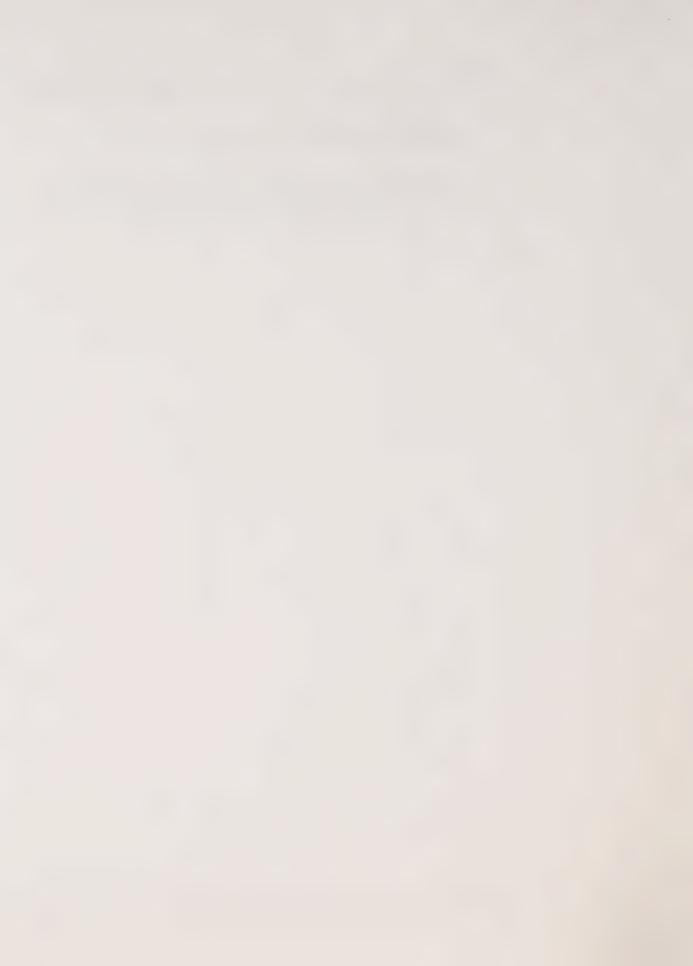
1. Thinking about the union structure in your own workplace, are there any barriers to the full participation of women (or members of minority groups)?

What are they?

- Do women participate to the same degree as men in the life of the union and local? Think about the make-up of the executive, who attends general membership meetings, who sits on committees, etc.
- 3. Is there anything around the work site or in the way union activities are organized that could make women feel unwelcome (degrading pictures or graffiti, male-only departments or work areas without female washrooms or change rooms)?
- 4. If fewer women participate, what might account for it? Meeting or course times? Family responsibilities? Women working part-time? Hostility toward some women members or women of certain backgrounds?
- 5. How has the situation for women changed in the last number of years? What has not changed? Is your life today (or your sister's) better than your mother's life?
- C. MAKING THE WORKPLACE FREE OF SEXUAL HARASSMENT:
- 1. What can union members do to (a) remove barriers (b) protect the dignity of all workers, and especially (c) to encourage women to participate more?
- 2. What kind of educational program might be effective in your workplace?



- 3. Does your union or local have a policy on harassment? Are members familiar with it? How is it used?
- 4. What has your management done to make supervisors aware of their role in preventing harassment? Is it working? Do front line supervisors get support from upper management?



## LEADING THE EXERCISE: HARASSMENT SCENARIOS

Distribute a copy of the scenarios to each participant. Divide the group into small groups of four or five. Keep an eye out for gender balance. Ask each small group to review three or four scenarios, and to select a reporter. For example, if your group has twenty-five people, divide them into five groups of five. Again, if time is a problem, you can limit the number of scenarios. Divide the scenarios as follows:

Group 1 -- Situations 1, 2, and 3
Group 2 -- Situations 4, 5, and 6
Group 3 -- Situations 7, 8, and 9
Group 4 -- Situations 10,1 and 2
Group 5 -- Situations 3, 4, and 5

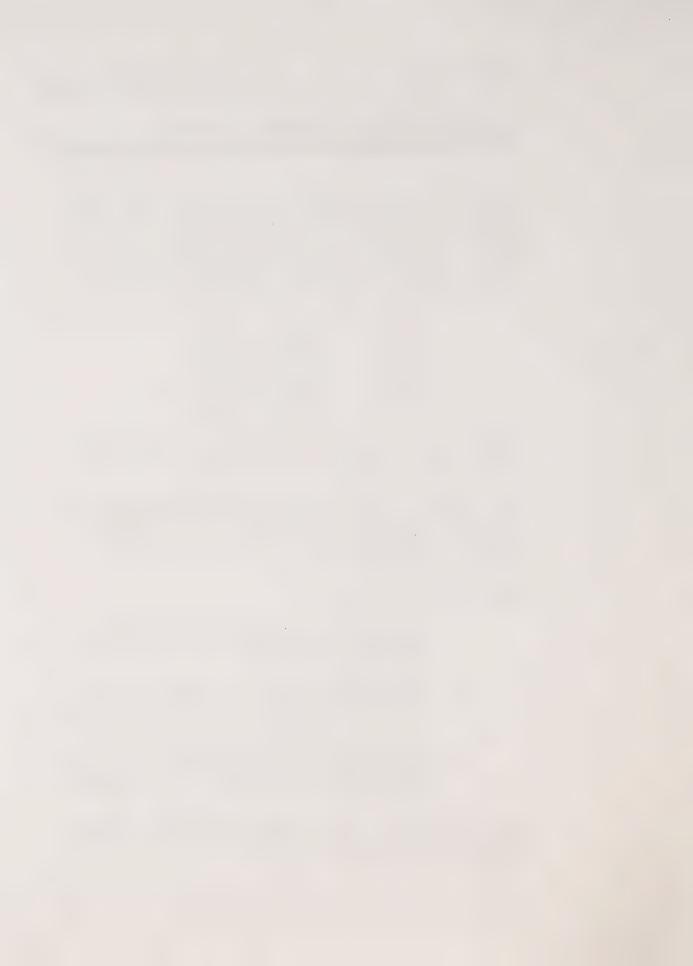
After the groups have reached their conclusions on the situations you assigned to them, the de-briefing is done as a group.

As the reporter for each group gives the result of the group's discussion on each situation, the course leader should note some key reasons on the flip chart. All together, these will form the basis of a definition of what is and what isn't harassment.

#### Questions to ask the reporters:

- a) If you felt the situation <u>was</u> a case of harassment, what elements made it harassment?
- b) If you felt it wasn't, what were the elements that were missing? What would have made it a case of harassment?
- c) If you thought the situation <u>might</u> be a case of harassment, what information would you search for to be sure? What elements would make it definitely a case of harassment?

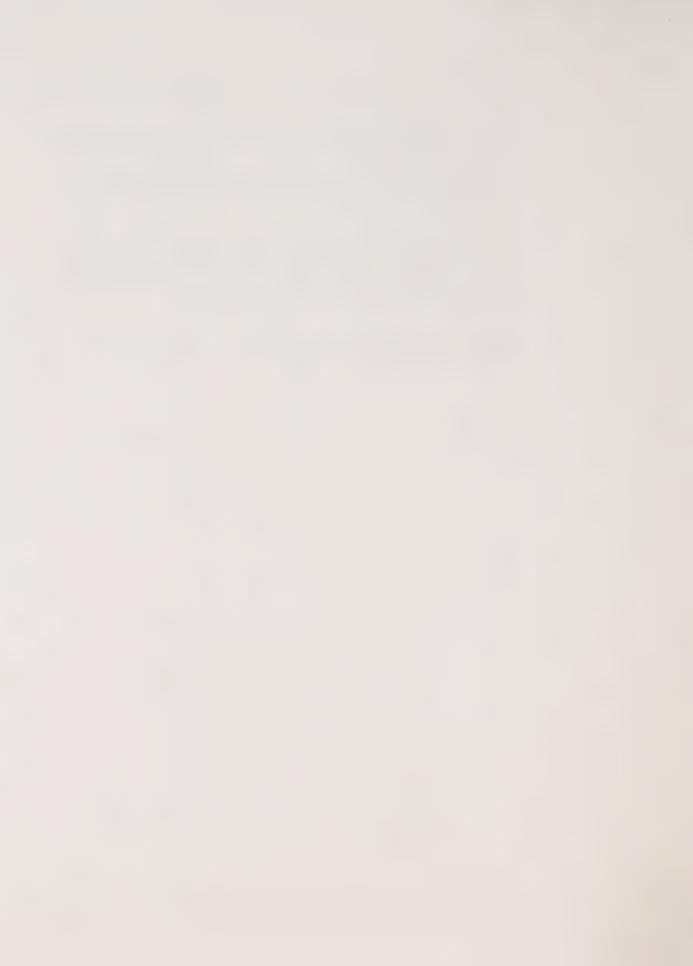
As you note the reasons each group gives on the flip chart, mark any element which comes up more than once with a check mark. You will be creating a list of elements of harassment.



If any other group considered the same situation, check with that group for any other reasons for the decision. If there is disagreement, try to find the common elements as well as the elements where there is no consensus. Other course participants may have differing opinions, and theirs should be noted as well

At the end of the report-back of all the group reporters, read out the elements you have noted on the flip chart. Ask for any other defining terms of sexual or racial harassment. Make sure to include <u>poisoned</u> workplaces and other indirect forms of harassment.

Let the group know that together they have come up with a fairly comprehensive definition of harassment.



## SEXUAL HARASSMENT SCENARIOS: IS IT HARASSMENT?

## **WORKSHOP LEADERS NOTES**

This exercise can either be conducted in a small group or as a full group discussion. Another option to meet time limitations is to select only a few of the incidents or behaviours

Break the workshop into smaller groups and have your partner distribute the handouts. Below is a list of incidents or behaviours. The group's task is to place each one in <u>one</u> of the following categories:

- A. DEFINITELY SEXUAL HARASSMENT
- B. COULD BE SEXUAL HARASSMENT
- C. DEFINITELY NOT SEXUAL HARASSMENT

Ask the groups to pick a member of their group to report back.

## QUIZ

- Louis and Marguerite work in the same office. Whenever Louis is near Marguerite, he makes a point of brushing against her or rubbing her back. Marguerite doesn't like it and has told Louis that it upsets her. Louis persists.
- Maria is new on the job. On her third day at work, her boss,
  Daniel, commented that they would have to get to know each
  other better since they would be working closely. He then invited
  her for a drink after work.
- 3. Hassan is a stock clerk. All of his co-workers are female. He is young and attractive, and the women take turns teasing him about his physique and making suggestive remarks. As a result, Hassan often finds it hard to concentrate on his work. This has led to



work errors, and Hassan has been given a warning by his boss. Hassan has now asked the women to stop, but they treat it as a big joke and continue.

- 4. Several workers and a supervisor are telling sex jokes at their table during coffee break. Leslie, who is sitting at a nearby table, overhears several of the lokes and is upset.
- 5. A vacancy has been created in Marek's department for the position of assistant supervisor. Jack and Brenda have both applied for the position. At the end of her interview, Marek gives Brenda a knowing smile and invites her to continue the interview tonight at his apartment.
- 6. Robert is a local union president and has an established reputation as a womanizer. At one time or another, he has made a pass at every woman activist in the local and at conferences.

  Jocelyne is a new delegate from the local attending a union conference with Robert. On his return from lunch, Robert compliments Jocelyne on her appearance and gives her a rose and a wink.
- 7. Denise is an attractive young woman with a "good figure". She wears flashy clothes and loves to get compliments on her appearance. She handles herself well and usually gets the notice she wants, especially from Brian, who makes no secret of his admiration for Denise's looks. This upsets several of her female co-workers who have complained about Brian's "attitude".
- 8. During local elections, Fatima and Raymond are both running for president. Some of Raymond's supporters have been spreading rumours about Fatima's supposed affair with a staff rep. One of Fatima's supporters sees one of Raymond's supporters writing "slut" on one of Fatima's campaign flyers and there is graffiti referring to Fatima's sex life in the men's washroom at work.
- Gabrielle is a new delegate at a two-day union conference out of town. After the day's session, she goes out for dinner with a group of members from her local and some new acquaintances



from a local in another city. That night, at two in the morning, her hotel room phone rings. A man's voice says, "Hey, Gabby, don't you want to party? I know what room you're in." Gabrielle hangs up the phone without saying a word, and lies in bed feeling scared for more than an hour.

10. Roy works on a cable installation crew. One day at lunch, the group was sitting around telling jokes. Some of the jokes were about homosexuals, and Roy told his co-workers that he objected to them. This didn't go over very well with the guys, who now call Roy a "faggot" or "queer". In fact, one of the crew members told the supervisor he doesn't want to work on the same crew with a homosexual and has asked for a transfer.



## WHAT IS SEXUAL HARASSMENT?

## BACKGROUND INFORMATION:

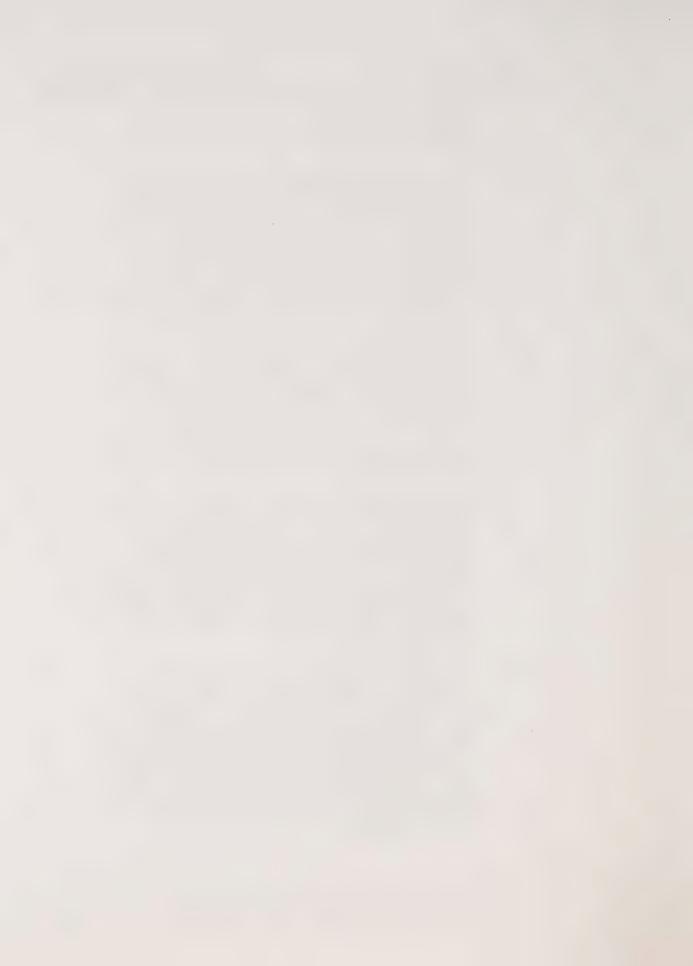
Together the participants in your group can probably come up with the main elements of a definition of harassment, especially after seeing the video. Use a flip chart to write down the elements people raise. The attached exercise involves some typical situations. As people discuss them, it will begin to provide a basis for defining harassment, and you may find it a useful starter.

After you hear from the participants, <u>summarize</u> the discussion. You may touch on the following points:

- 1) Harassment refers to unwelcome attention which is intended to or has the effect of making a member of an identifiable group (women, persons of colour, people with disabilities) feel degraded or unwelcome. When it is sexual harassment, the attention is related to the person's sex. The intent does not really matter. The effect counts.
- 2) Our understanding of harassment and our obligation to get rid of it in our own "house of labour" is growing. We are learning to take steps to prevent harassment and to deal with incidents which may arise between members and between members and supervisors at work. Nost incidents of sexual harassment involve co-workers, not management.
- 3) Every employer operating in Ontario has a legal responsibility to provide a workplace free of harassment, whether by managers or between co-workers. Federally-regulated sectors fall under the jurisdiction of the Canadian Human Rights Act. Other Ontario workplaces are covered by the Ontario Human Rights Code. In practice, this means employees and unions can complain about incidents of harassment, and the employer may be responsible. A worker can complain that the employer



- <u>failed</u> to take the necessary steps to prevent or halt harassment against her.
- When there are sexist or racist cartoons on the walls, or sexist or degrading talk about women which is tolerated among workers, the workplace itself becomes a "poisoned work environment". A workplace may be "poisoned" or hostile even if no individual has actually directed a harassing action against another person. Sometimes a workplace may be so hostile that a worker who has been harassed feels she will never be comfortable there again.
- Our understanding of appropriate behaviour as union brothers and sisters is in a state of evolution. We do not all hold the same beliefs about what is appropriate and how offenders should be treated. At least in this workshop, we hope to create a non-judgmental environment where everyone's opinion can be expressed and where all participants will be respected.
- We must keep looking for ways to eliminate the source of complaints by taking an active role in making our environment free of elements that may offend, such as pictures, jokes, graffiti, insulting forms of address or nicknames, and comments of a sexual or racist nature. We must also make sure to support those who are most vulnerable to attack, such as women in non-traditional jobs, before anything happens.
- 7) Dealing with complaints and grievances relating to allegations of harassment is different from other matters stewards handle. As union activists, we are used to defending accused members against unfair discipline. We need special procedures to deal with member-to-member harassment. Workers who become victims of harassment need union protection and support. We also must protect alleged harassers from harsh actions by employers and lack of due process.



8) Sexual harassment is <u>not</u> just an extension of "courting" behaviour. Of course people have social relationships on the job and many romances begin there. Harassing behaviour is different because it is unwelcome attention, and frequently persistent. Its objective is to intimidate the target and make that person feel unwelcome and unsafe. Making one woman feel unwelcome can make <u>other</u> sisters in the same workplace feel equally vulnerable. Harassment is more an expression of <u>power</u> than <u>sexual attraction</u>, based on an unequal relationship between the harasser and the victim.

Remember why we discuss the issue: to give participants a chance to examine their own beliefs, think through the reasons harassment occurs, and learn how to deal with incidents which may arise.



### IDENTIFYING SYSTEMIC DISCRIMINATION AND BARRIERS

### **WORKSHOP LEADERS' NOTES**

Group discussion or small groups if time allows use section B of the video discussion questions to identify systemic discrimination and barriers.

Systemic barriers result from built-in ways that jobs and workplaces are set up which make it hard for one or more groups of workers to work there. These obstacles may be intentional or not. It is the result which matters: discrimination against a group of potential employees.

For example, height and weight, or physical strength requirements that keep women or members of some racial groups from entering certain lines of work are often <u>systemic barriers</u>, especially when the actual job doesn't require a tall or strong person to carry out the tasks.

The absence of women's changing and showering facilities on some job sites is another example of a systemic barrier—it's not aimed at any individual, but it effectively keeps women out.

Some systemic barriers keep out one group but not another. Work shifts that start in the early morning before childcare facilities open are a barrier to single parents. Union meetings and socials held in premises where liquor is served may exclude people whose religions disapprove of alcohol use.

These barriers may add to a feeling that women are unwelcome in certain jobs. Sexual harassment is a way to reinforce women's perception of exclusion and hostility. When we review the set-up of the workplace and the way the employer recruits and selects new employees, we begin to get a picture of the many ways women and minority groups are discouraged from taking their place in all fields.

Some instances of discrimination may not involve harassment. For instance, denying a woman a chance to be interviewed for a lateral transfer may be a case of discrimination, if she was passed over because



of her gender. This doesn't mean that anyone is harassing her. It means we need employment equity measures to identify and eliminate discriminatory barriers.

The employer may benefit when a group of workers, such as women, is degraded, because their labour is devalued (cheaper), their lowered morale makes them less likely to complain, and their presence in the workplace may cause workers to pick on each other instead of confronting poor treatment by employers together.



# PREVENTING INCIDENTS OF HARASSMENT AND DISCRIMINATION

# **WORKSHOP LEADERS' NOTES**

Either in small groups or workshop use questions in section C of the video questions to discuss ways of preventing or eliminateing harassment.

## Wrap up

The best way to deal with incidents of sexual harassment is to prevent them. How do you make your workplace safe and welcoming to women and minorities? You can start by removing degrading pictures and graffiti. Explaining and discussing in clear language to workers on the job what type of jokes and comments make women feel excluded, humiliated, or threatened. Your discussions can also focus on how to support women's rights.



## **AFTERNOON SESSION**

# A) HANDLING INCIDENTS INVOLVING TWO MEMBERS OR A MEMBER AND A SUPERVISOR

Workshop Leaders should distribute ACTION GUIDE (Section V) to participants.

# Remind the participants that:

- The decision about whether to pursue a complaint against another worker through the grievance procedure or through the union is up to the complainant. The Local needs to have effective procedures in place if it wants complainants to choose to resolve the issue through the union.
- Part of having a workable procedure is to make sure that the union provides the complainant and the alleged harasser with different advocates. One steward cannot represent both interests at the same time.
- Allow time for groups to read each section and then ask --
  - 1) Are these steps in the right order?
  - 2) Can you think of anything else that should be added?

Keep discussion brief as this is a warm-up for the next exercise.

Also point out that this could be a useful resource to be copied or adapted for each union/local.

# B) WORKING THROUGH SITUATIONS

Workshop Leaders should assign the small groups one each of the Situations for Role Plays and Strategies handouts. After 20 minutes, ask each of the groups to present role plays and discuss with the group.



# Scenarios for Role Plays and Strategies

INSTRUCTIONS FOR SMALL GROUPS (4 or 5): In each group, read over the situation. Consider how you would handle it if you were a Steward and the matter came to your attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute role play depicting <u>one</u> key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only <u>some</u> of the characters will be involved in this role play.

NOTE: These situations are only hypothetical so there is no one right answer.

# Scenarios for Role Plays and Stategies:

- Louis and Marguerite work in the same office. Whenever Louis is near Marguerite, he makes a point of brushing against her or rubbing her back. Marguerite doesn't like it and has told Louis that it upsets her. Louis persists. Marguerite comes to the Steward to discuss this situation.
- 2. Hassan is a stock clerk. All of his co-workers are female. He is young and attractive, and the women take turns teasing him about his physique and making suggestive remarks. As a result, Hassan often finds it heard to concentrate on his work. This has led to work errors, and Hassan has been given a warning by his boss. Hassan has now asked the women to stop, but they treat it as a big joke and continue. Hassan brings the situation to the attention of the Steward.



- During local elections, Fatima and Raymond are both running for president. Some of Raymond's supporters have been spreading rumours about Fatima's supposed affair with a staff rep. One of Fatima's supporters sees one of Raymond's supporters writing "slut" on one of Fatima's campaign flyers and there is graffiti referring to Fatima's sex life in the men's washroom at work. Fatima raises the issue with the Steward.
- 4. A member of the local who has read the union's anti-harassment policy comes to the local executive requesting that the union address the issue of pin-up posters around the work areas. The member feels that this is a form of sexual harassment and should be stopped. The executive considers this concern and decides to take action.

## GROUP 1 (HANDOUT)

In your group, read over the situation. Consider how a steward would handle it if the matter came to his or her attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute role-play depicting <u>one</u> key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only <u>some</u> of the characters will be involved in this role-play.

NOTE: These situations are only hypothetical, so there is no one right

Louis and Marguerite work in the same office. Whenever Louis is near Marguerite, he makes a point of brushing against her or



rubbing her back. Marguerite doesn't like it and has told Louis that it upsets her. Louis persists. Marguerite comes to the Steward to discuss this situation.

1) Let one person in your group take on each of the following roles:

Marguerite
Louis
Marguerite's witness
Steward
Role-Play Observer/Recorder

- 2) In your group, work out a strategy for handling the case.
- 3) Prepare a three-minute role play. Act out the first meeting between the Steward and Marguerite.

## GROUP 2 (HANDOUT)

In your group, read over the situation. Consider how you would handle it if you were a steward and the matter came to your attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute role-play depicting one key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only some of the characters will be involved in this role-play.

NOTE: These situations are only hypothetical, so there is no one right answer.



Hassan is a stock clerk. All of his co-workers are female. He is young and attractive, and the women take turns teasing him about his physique and making suggestive remarks. As a result, Hassan often finds it hard to concentrate on his work. This has led to work errors, and Hassan has been given a warning by his boss. Hassan has now asked the women to stop, but they treat it as a big joke and continue. Hassan brings the situation to the attention of the Steward.

1) Assign one person in your group to each of the following roles:

Hassan
Female co-worker who has teased Hassan
Second co-worker who has teased Hassan
Steward
Role-Play Observer/Recorder

- 2) In your group, work out a strategy for handling the case.
- 3) Prepare a three-minute role-play. Act out the first meeting between the Steward and one or two of the women involved.

## GROUP 3 (HANDOUT)

In your group, read over the situation. Consider how you would handle it if you were a steward and the matter came to your attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute role-play depicting <u>one</u> key interview in the investigation and resolution process. You will be



presenting this one scene to the whole class. Only <u>some</u> of the characters will be involved in this role-play.

NOTE: These situations are only hypothetical, so there is no one right answer.

During local elections, Fatima and Raymond are both running for president. Some of Raymond's supporters have been spreading rumours about Fatima's supposed affair with a staff rep. One of Fatima's supporters sees one of Raymond's supporters writing "slut" on one of Fatima's campaign flyers and there is graffiti referring to Fatima's sex life in the men's washroom at work. Fatima raises the issue with the Steward.

1) Assign one person in your group to each of the following roles:

Fatima
Fatima's supporter
Raymond's supporter
Steward
Role-Play Observer/Recorder

- 2) In your group, work out a strategy for handling the case.
- 3) Prepare a three-minute role-play. Act out the meeting between the Steward and Fatima's supporter who saw another member defacing the campaign flyer.

# GROUP 4 (HANDOUT)

In your group, read over the situation. Consider how you would handle it if you were a steward and the matter came to your attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would



interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute role-play depicting one key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only some of the characters will be involved in this role-play.

NOTE: These situations are only hypothetical, so there is no one right answer.

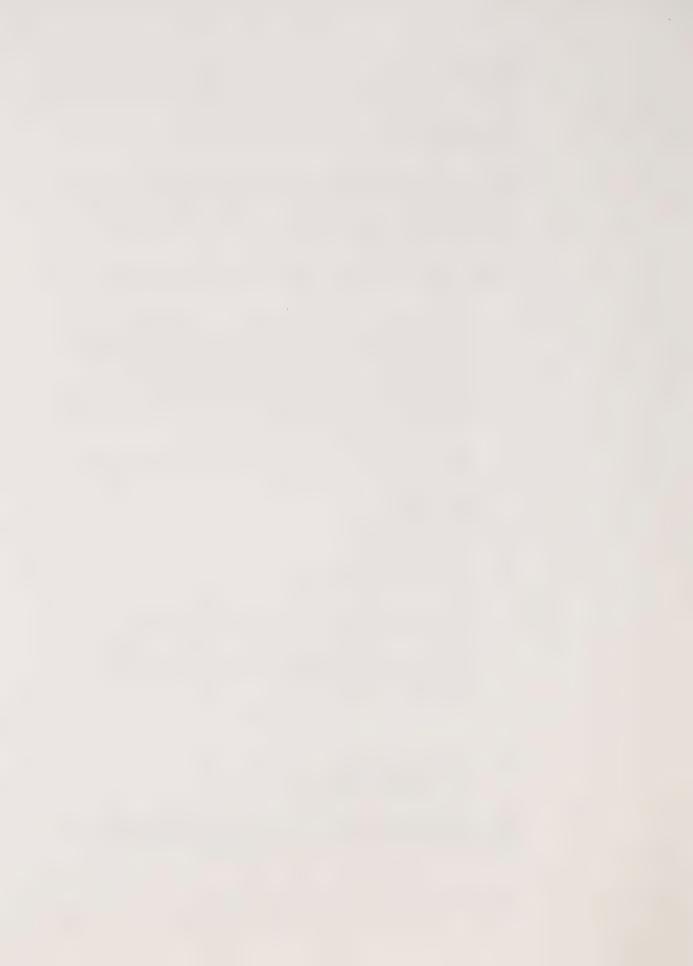
A member of the local who has read the union's anti-harassment policy comes to the local executive requesting that the union address the issue of pin-up posters in some work areas. The member feels that this is a form of sexual harassment and should be stopped. The executive considers this concern and decides to take action with the employer.

1) Assign one person in your group to each of the following roles:

Local member
Executive member
Staff rep
Director of Personnel
Role-Play Observer/Recorder

- 2) In your group, work out a strategy for handling the case.
- Prepare a three-minute role-play. Act out the first meeting involving the Executive Member, Staff Rep, and Director of Personnel.
- C) SEXUAL HARASSMENT
  LEGISLATION AND POLICY

Distribute RESOURCES (Section VI) to participants. Review briefly and ask participants if they have any additional resources to share.



#### WRAP UP

USING A FLIP CHART, ASK THE WORKSHOP TO BRAINSTORM ON FUTURE ACTIONS THAT THEY ARE COMMITTED TO DO, ACTIONS FOR THEIR LOCAL, AND ACTIONS FOR THEIR UNIONS:

In closing, do a quick "go-around" asking the participants to take a minute to say one thing about the day; a highlight, something they learned, or something they liked about taking the workshop.

Thank the group for their hard work/participation.



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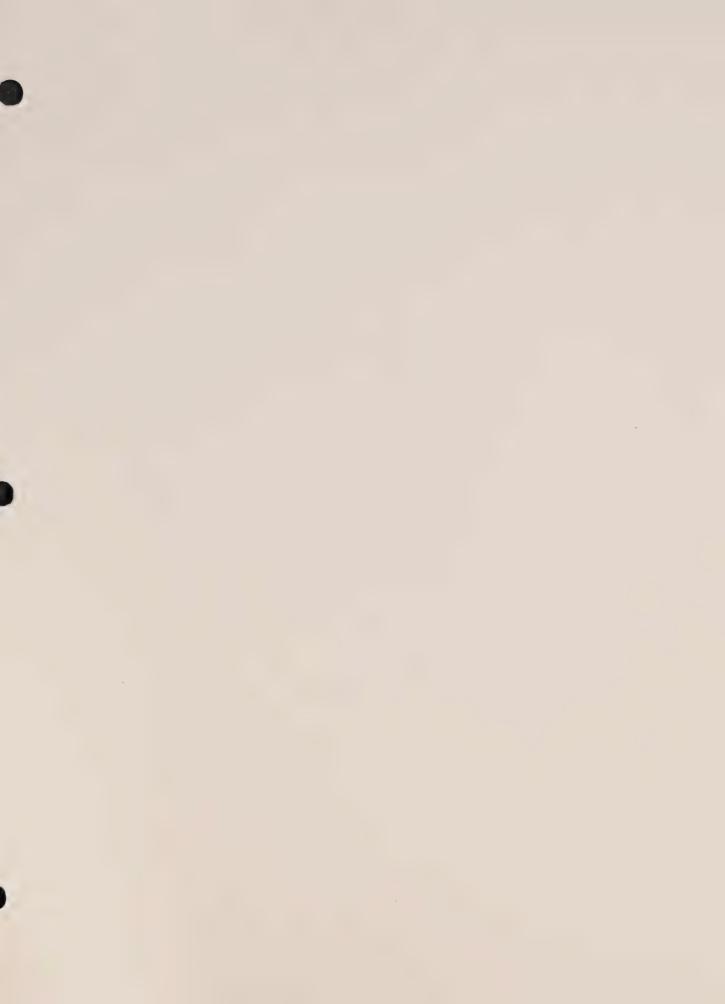


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### SECTION V

### **ACTION GUIDE**

WHAT CAN YOU DO ABOUT SEXUAL HARASSMENT

WHAT SHOULD THE ALLEGED HARASSER DO
INVESTIGATING COMPLAINTS OF HARASSMENT:
TIPS FOR STEWARDS

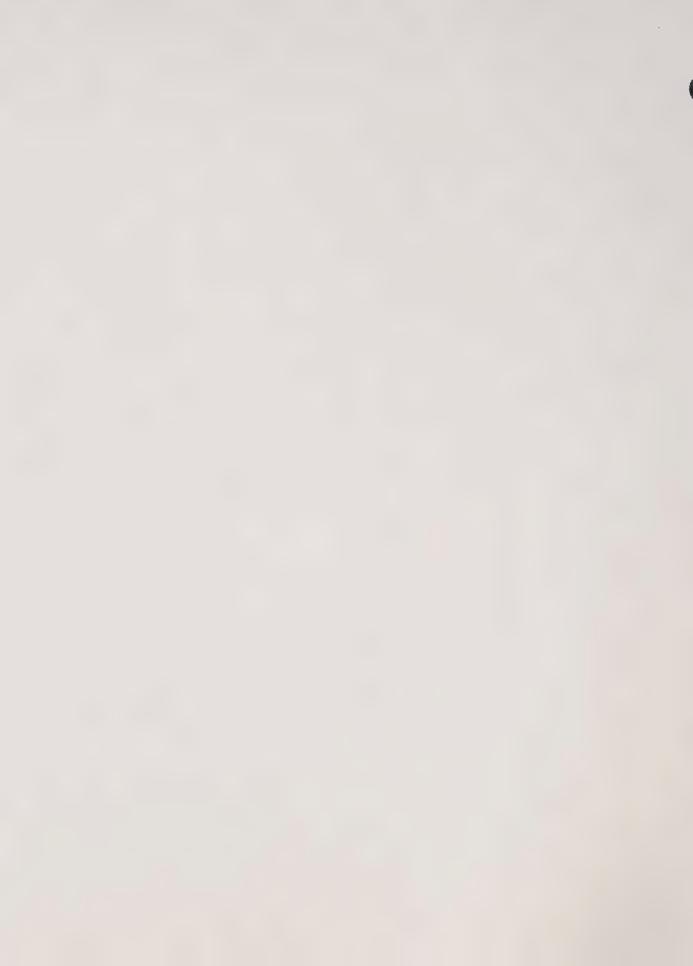
INTERVIEWING THE COMPLAINANT(S)

INTERVIEWING THE ALLEGED HARASSER

INTERVIEWING WITNESSES

TIPS FOR INVESTIGATORS

SIGNS OF WORKPLACE HARASSMENT



# WHAT TO DO IF YOU ARE BEING HARASSED: STEPS TO TAKE

Tell the harasser that you want the harassment to stop. Do this in front of co-workers, if possible. Bring a support person with you if that makes it easier.

Document your case. Write down everything including the date, time, location, any witnesses, what the harasser did and said, and how you reacted. Keep your notes away from others, and take them home with you.

Ask a trained person for assistance and support. This could be your shop steward, union representative, coworker, union counsellor, employment assistance program counsellor, or a sexual harassment counsellor in your workplace. They can help you to decide what to do next.

Ask for a copy of the collective agreement and your company's sexual harassment policy. Find out about complaint and grievance procedures. Find out if your confidentiality will be protected.

If the harassment continues after you have said "no", you must take action by filing a complaint or grievance. It will not go away if you ignore it.

If you do not have to have a harassment clause in your collective agreement, you could file a grievance under the "No Discrimination" article or under "Health and Safety" articles. You could file a complaint under your employer's policy. You could also file a human rights complaint. There may be other protection in labour law. You could speak to the police as well, because assault is a criminal offence.

To prove your complaint, it would be helpful if your witnesses made written statements.



# WHAT TO DO IF YOU ARE BEING HARASSED: STEPS TO TAKE

If you have any health problems after you have been harassed, including eating or sleeping, document them, seek treatment, and report them to your union.

If lost time is accumulated because of stress due to the harassment, file a workers' compensation claim.

If you find that more than one woman in your workplace has been harassed by the same person or group of persons, consider filing a group grievance or action.

If the harasser is a supervisor or a co-worker and the harassment persists after you have said "no", file a grievance. You do not have to have a specific harassment clause in your collective agreement in order to file a grievance. You can grieve under the "No Discrimination" article or the "Health and Safety" clause. If you can't find anything in the contract that your grievance would fall under, talk to your representative about filing an action under the appropriate human rights act or labour code.



#### STEPS TO TAKE IF YOU ARE ACCUSED OF HARASSMENT:

Document the events, with dates, times, location, and witnesses.

Ask your employer for information about the allegations of the harassment as quickly as possible.

Contact your Steward and ask what your rights are in the situation, and what process will be used to investigate the complaint against you.

If you feel that you may have offended or intimidated someone, consider making an apology directly to the person(s) who made the complaint.

Or, a trained resource person may be able to help you make amends. They may mediate a meeting between you and the complainant(s).

Unions have an obligation to fairly represent everyone in the bargaining unit. You have the right to due process, and your union representative can defend you against any unjust or overly harsh discipline.

If you are fired or suspended without pay prior to a completed investigation, file a grievance on the disciplinary action. If you are suspended with pay, or moved to another work location pending investigation, contact your Steward for advice.

If you have been found guilty of an offence and you consider the employer's discipline too severe, you may consider filing a grievance to have the penalty reduced.



# SIGNS OF HARASSMENT IN THE WORKPLACE

Sudden Change to Worker's Behaviour and/or Performance:

A worker who has had a good work record begins to have increased absences; mood swings; depression. As a union steward, you are warned that she will be disciplined if her work doesn't improve.

Women Not Remaining in a Job or Department:
"You know the guys just don't want women in that department. If the women can't fit in, they shouldn't be there." or there seems to be a particularly high turnover in support staff working for one supervisor. No one will say why, but they all quit or want transfers.



# SIGNS OF HARASSMENT IN THE WORKPLACE

Displays of pin-up pictures and/or other material that is offensive or derogatory grafitti. Be pro-active. Remove the material before there is a complaint.

## Practical Jokes That Demean:

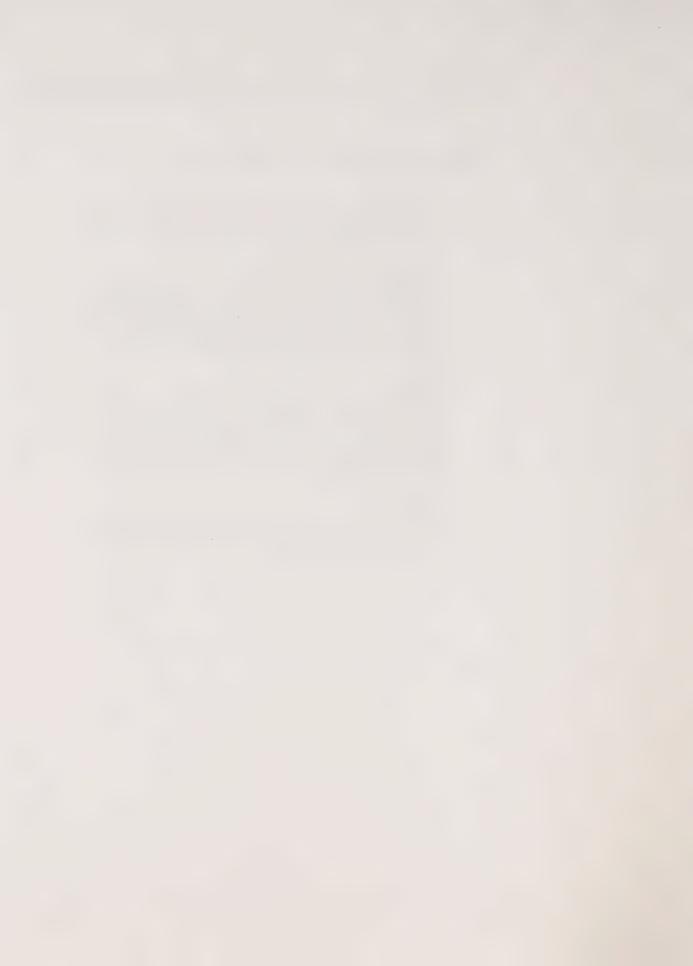
Listening to what is going on in the workplace can end harassment before it explodes. Take a leadership stand by asking the harasser to stop. This is as important as asking someone who is working unsafely and threatening other workers' health to correct their behaviour.

#### Shop Talk:

Listening to how workers talk to or about someone often shows if a problem is likely to occur. For example, if a group of male workers say that there is no place for women in this shop, then it is wise to prevent problems through education before women start working in that site.

#### Rumours:

Again, listening will identify a problem. "Well, there was always rumours about Fred; wandering hands. But no one complained til now."



#### Some other points to remember:

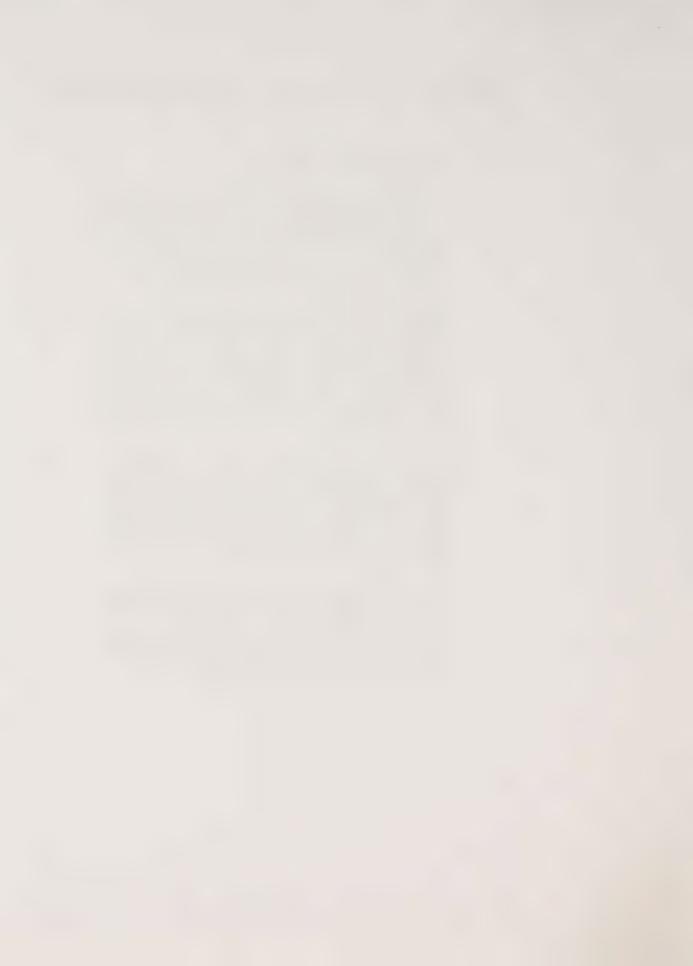
- 5. If there is more than one member of the bargaining unit involved, the union has a responsibility to represent the interests of <u>each</u> of them. This may require several stewards or designated reps involved. Your complainant needs an advocate. Your alleged harasser(s) need to be ensured of due process and fair treatment in any discipline.
- 6. Remember that you cannot solve every problem. Besides the fact that there may be difficult personalities involved, proving harassment charges is still a challenge, and our society as a whole has still not come to terms with harassment. You can only do your best to ensure a fair and respectful process, and to work toward a harassment-free workplace.

With thanks to Linda Hollas of Bell Canada, October 1991.



## C. Some other points to remember:

- An ounce of prevention is worth a pound of cure (even in the metric 90s). Awareness-raising, union educationals, newsletter articles and bulletin board postings go a long way to prevent harassment. Good role modelling by local union leaders will also help avoid incidents, especially among union members.
- You may be uncomfortable when someone comes to you with a complaint, especially if you haven't handled many such situations. This is normal. However, you will need to deal with the conflict even if you wish you could make it go away. Ask another activist, your staff rep, or union's sexual harassment counsellor to give you the support and information you need to do your job. The member is looking to you for help, support and procedural advice.
- 3. You will need to unload, too. Listening to accounts of hostile frightening interactions, which may be complicated and hard to sort out, is stressful for you, too. You may find yourself taking home stories in your head, or remembering unpleasant events from your own past. Identify someone you can talk to (without disclosing actual names or details).
- 4. When discussing cases of harassment amongst stewards or union officials, be careful to use a "code" to protect confidentiality. Always refer to the "complainant" and the "alleged harasser", and take care not to identify specific workplaces involved. Alternatively, use made-up names, like Louise, Henry, etc.



# Interviewing an alleged harasser or witness

Request that witnesses and/or alleged harasser put their accounts of what happened in writing. Make sure you have set aside enough time for this. Ask them to sign the statement when completed. This may not make them happy, but it is an important part of the investigation.



### B. Interviewing an alleged harasser or witnesses

Arrange separate meetings with the alleged harasser and witnesses. Respect privacy in making the arrangements. Keep talk in the workplace about the issue to a minimum.

If the complaint comes up outside your own work area, work through one person in that area. This keeps too many people from getting involved.

Let the person you are interviewing know that you are empowered to carry out an investigation of the complaint under the anti-harassment policy and explain the process you are following.

Reassure the person that you will listen objectively and that you know every story has (at least) two sides.

In your interview, tell the person the time, place, and individual(s) the incident is alleged to have involved and ask the person what he or she can tell you about an interaction taking place involving those places, times and people. For example: "I want to talk to you about an interaction that took place last Wednesday around 3 pm in the coffee break area between you and Louise. Can you tell me what happened? (or Can you tell me about it?)"

DO NOT disclose any details to the alleged harasser or to any of the witnesses. Let them supply the details.

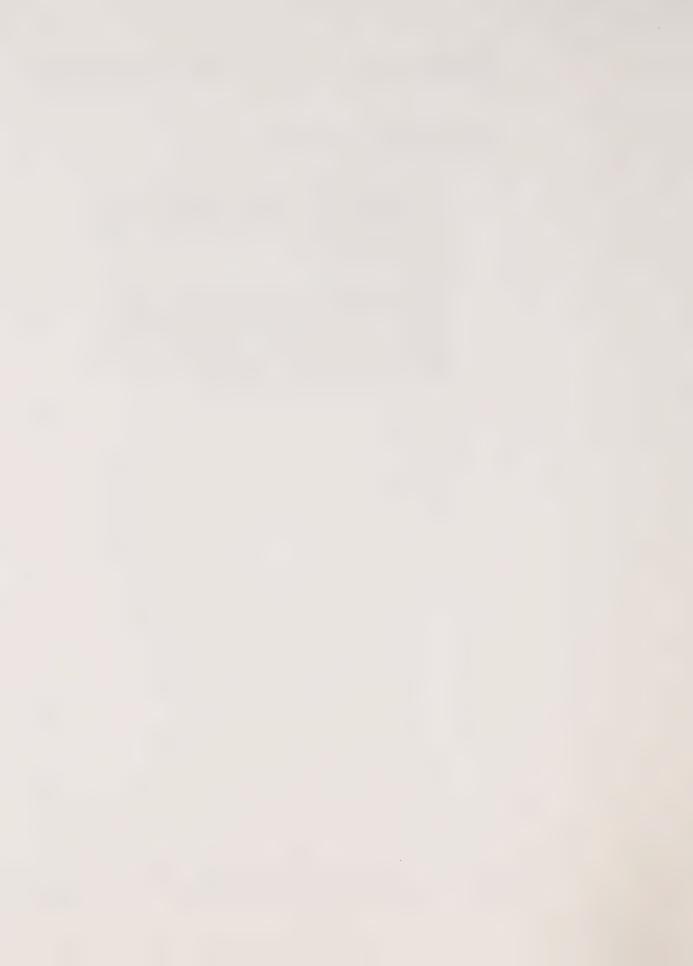
Tell the witnesses that your conversation must be confidential and that any statements must remain within the room.



# INVESTIGATING COMPLAINTS OF HARASSMENT: TIPS FOR STEWARDS

Once you have met with all the parties, ask the complainant if she or he wants to meet with the alleged (or admitted) harasser. The two could meet alone, or the meeting might be mediated by a union designate or other qualified person.

If someone is to be moved out of the situation, it should <u>not</u> be the complainant who suffers. However, on an interim basis the stress the complainant is feeling may need some quick protective action. In some cases, the complainant may need to take sick leave or file a worker's compensation claim or a temporary re-assignment could be made.



# INVESTIGATING COMPLAINTS OF HARASSMENT: TIPS FOR STEWARDS

Reassure the complainant that <u>at this stage</u> you will respect confidentiality and that you will not disclose anything the complainant does not authorize you to. <u>Negotiate</u> the process with the complainant.

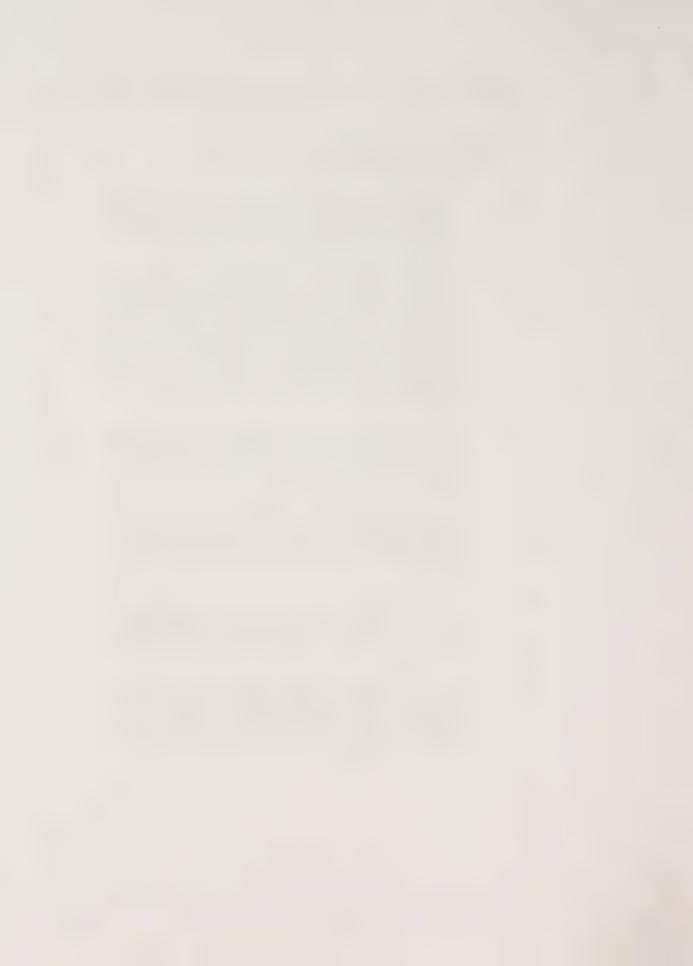
Ask the complainant to document the incidents in writing. It should have the time and place, who was present, what the harasser did and said (word for word, if possible), and what the complainant did, said, and how he or she felt about it. You can write it and have the complainant sign and date it, but be sure to use the complainant's own words. This may be critical in a discipline proceeding, human rights complaint or criminal case.

It may take more than one meeting to establish enough trust between you and the complainant for her or him to explain the details and history of what has happened. Don't try to rush the process.

The complainant's statements are <u>not</u> to be shared with the alleged harasser, or any witnesses. Let the complainant know you will insist on a commitment of confidentiality from anyone involved in the investigation.

Later, if the complaint becomes a formal grievance or complaint, some parts of the case may become public and you will need to "renegotiate" the confidentiality agreement.

The victim of harassment may need to "vent" pent-up emotion. Make sure that there are some union members who can provide emotional support to the complainant and who will be available until the complaint is resolved.



# INVESTIGATING COMPLAINTS OF HARASSMENT: TIPS FOR STEWARDS

# A. When meeting the person with a complaint:

Tell the person that you recognize how difficult it is for a person to come forward with a complaint. Let the complainant know you take the situation very seriously.

Try to arrange a meeting <u>right away</u> at a location acceptable to the complainant. It is probably best to be away from the work area. Find out if the person is comfortable discussing the problem with you. Or, would he or she prefer to talk to someone of the same sex? The complainant may also want to bring along a support person.

If you have to leave work, avoid disclosing the problem with your supervisor or the alleged harasser.

Provide a copy of union and company policy to the complainant. Let the person know the options available to her in pursuing a complaint (union to investigate and take action, management to investigate, human rights commission complaint, criminal or civil charges with police investigation). Explain to the complainant the steps you plan to take. The complainant may want to know what would happen in case of reprisals, the escalation of harassment, or violence.

Remember there are (at least) two sides to every story! Be a listener, not a judge. Don't trivialize the complainant's feelings. Comments such as "I wouldn't be too upset about that" are NOT helpful and may keep the complainant from confiding in you. The complainant may blame herself or himself, or play down the events. Tell the person that if the situation has been bothering her or him, it is the right thing to come forward.







### SECTION VI

### RESOURCES

BACKGROUND INFORMATION

MYTHS ABOUT SEXUAL HARASSMENT

WHICH LEGISLATION COVERS YOUR WORKPLACE
EXCERPTS FROM THE ONTARIO HUMAN RIGHTS CODE

COMPLAINTS PROCEDURES

CONTACTING THE ONTARIO HUMAN RIGHTS COMMISSION
EXCERPTS FROM THE CANADIAN HUMAN RIGHTS ACT

COMPLAINTS PROCEDURES

CONTACTING THE FEDERAL HUMAN RIGHTS COMMISSION

VIDEOS AND FILMS

WHAT ELSE TO READ

SAMPLE UNION ANTI-HARASSMENT POLICIES
SAMPLE ANTI-HARASSMENT CONTRACT LANGUAGE



#### BACKGROUND INFORMATION

The way we see women -- in our society, in the workplace, and in the trade union movement -- is changing, and these changes are taking some getting used to.

While probably most of us had mothers who stayed home to look after us and the household, today most adults are in the paid labour force, even when they have very young children. This has placed a whole new set of demands on families and many of us are struggling to adjust.

More and more women are joining the workforce: for the most part, full time. And they are joining unions, even those that have traditionally been mostly male. In fact, the majority of new union members in Canada are women. That is partly because the new jobs in Canada tend to be in the service sector, a sector where women tend to be concentrated.

The gender balance in unions is also changing because of the loss of jobs in traditional male sectors, such as manufacturing.

In order to persuade new workers to join our unions, and because our membership is changing, we need to make sure women have a real role to play in our movement. They have stood beside their brothers in fighting for fair policies, good collective agreements, and better laws. Issues like pay equity and employment equity are very important to women and other newcomers to trade unions.

Women want the chance to participate in educationals, attend conferences and conventions, and stand for office.

But many unions are led by a core of activists; a core which remains mainly male and mainly white. Most staff reps are male, even in unions that are half female. There has been resistance to letting women take their share of the leadership.

Union leaders at all levels may have concerns about employment equity and other special measures to get women involved. In some ways, their own roles are being challenged. Resistance may surface in subtle ways,



such as not informing women members about upcoming courses and meetings, by making decisions in closed meetings, watching women get set up to fail in their new staff or elected positions.

Unions have always fought for fair treatment for their members and for equity in society for workers not protected by unions. It is in the union's best interest to create an environment where our women co-workers, some of whom are the wives and daughters of today's leaders, can contribute to our movement. They need our support in joining the struggle to make the workplace more decent and respectful of all our needs.

Unions' special programs for women are a step in the right direction.

These programs make women feel more welcome and bring them into the heart of the trade union movement.

If equality is to become a reality for women and for members of minority groups, the union must lead the way.



#### MYTHS ABOUT SEXUAL HARASSMENT

#### MYTH #1: "Sexual harassment is not very common."

Recent surveys have indicated that 80 to 90% of women in the paid labour force have experienced sexual harassment at some time in their working lives. In Canada, that represents 3.6 million women. A recent survey of the membership of the British Columbia Employees Union showed 80% report that there is sexual harassment in their workplace.

### MYTH #2: "Women invite sexual harassment by their behaviour or dress."

Sexual harassment is an expression of power. Physical appearance usually has nothing to do with the selection of a "victim." In fact, the only thing most women "do" to bring on such behaviour is to exercise their rights to work on a job. Harassers may deliberately misinterpret behaviour or dress as being "enticing" to justify their aggressive actions.

Women are taught from childhood to appear attractive, and to act pleasantly and passively. Accusing women of inviting harassment by their appearance is like blaming a man who is mugged for carrying a wallet in his trousers. It is blaming the victim instead of the aggressor.

#### MYTH #3: "Women who object have no sense of humour."

If harassment were funny, then it would be true that women have no sense of humour. But sexual harassment isn't funny, it is degrading, humiliating, and scary. Sexual harassment means being treated as a sex object, not as a worker. It is a reminder that the harasser has higher status and more power than the victim. Harassment can threaten a victim's job, health, working conditions, training and career opportunities. Any behaviour with such potential is certainly not "harmless." And that is not funny.

Sexual harassment is <u>not</u> just an extension of flirting or "courting" behaviour. Office flirtation can be harmless, and it can be fun. And, of



course people have social relationships on the job and many romances begin there. Harassing behaviour is different, because it is unwelcome attention, frequently persistent, and may have an element of intimidation. One-sided attention from a person in a position of authority is harassment. If threats to economic security go along with the harassment, the attention is anything but harmless.

"MYTH #4: "Sexual harassment doesn't hurt anyone."

Besides the threat to economic security, sexual harassment can severely affect the victim's health.

Victims of sexual harassment suffer tension, anxiety, depression, fear, and frustration. These psychological effects often manifest themselves in physical ailments such a headaches, ulcers and other nervous disorders. Some of these ailments become so serious that they require medical treatment, even hospitalization.

The effects of harassment often carry over to the victim's family life as well.

Co-worker harassment has the additional effect of dividing and weakening workers united in collective action.

MYTH #5: "A firm 'no' is enough to discourage any man."

This statement ignores another, more serious myth - "A woman's 'no' means 'yes'". As long as this myth survives, it undermines women's credibility in refusing sexual advances.

Even if a woman's refusal is *understood* as meaning 'no,' it does not mean it will be *respected*. Sexual harassment usually does not occur between equals, even if they are co-workers. In most cases, the harasser has greater physical power, social status, and/or economic power. This 'authority' may give the harasser leverage against his victim, enabling him to override the firmest "no."



MYTH #6: "Women often make false claims of sexual harassment."

Victims of sexual harassment face a credibility problem. Our society has covered up and made light of sexual aggression against women for so long! Co-workers and supervisors are often uncomfortable when ugly situations come out in the open in the workplace. But false claims are the exception, not the rule. Yet, because false claims get so much attention, legitimate claims are automatically questioned.

Women who report sexual harassment are subject to ridicule, disbelief, accusations of entrapment, isolation, and further humiliation. Employers and co-workers may unfairly make reprisals against a woman who complains, ranging from creating intolerable working conditions to firing the woman and black-listing her as a troublemaker. Unfortunately, a woman takes a big risk when she speaks out against harassment. Reprisals are very effective deterrents -- women are unlikely to make false claims.

#### CONCLUSION:

Myths about sexual harassment are based on outdated and incorrect assumptions and sex role stereotypes. Standards for acceptable behaviour in the workplace are changing to show more respect for women and members of minority groups. Because sexual harassment has such a devastating impact on the victim, we must work to eliminate it. Trade unionists must take action to dispel these myths and ensure a workplace and union free of sexual harassment.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup>This material is adapted from a CUPW handout, with thanks.



# WHICH LEGISLATION COVERS YOUR WORKPLACE? CONTACTING THE RELEVANT COMMISSION

In some cases, a complainant may decide to take an allegation of harassment to the Human Rights Commission instead of, or in addition to, filing a grievance under the collective agreement.

It is generally in the complainant's interest to resolve a situation of harassment within the workplace and the framework of the collective agreement, and it is usually the fastest way to reach a solution. The union has a certain amount of control over the grievance procedure. However, in some situations, a complainant wishes to pursue the complaint through the Human Rights Commission.

A person might make this decision if the grievance procedure in place did not provide an adequate process or remedy, which still may happen in some situations. With some very sensitive complaints where the victim of harassment fears exposure or reprisal, the person complaining may feel that the Commission route offers a greater sense of safety since it operates <u>outside</u> the workplace. Another reason to file a complaint with the Commission is to reinforce a grievance and increase the motivation of the employer to resolve the case.

Normally, the Human Rights Commission will not proceed with a complaint until the grievance procedure has been followed all the way to the end. However, it stays on record from the time the person files, and remedies may be retroactive to the date of filing. There is no fee for filing a complaint with the Commission.

Unfortunately, there are many procedural problems with our Human Rights Commissions, at both the provincial and federal levels. Complaints often take many years to resolve, and there is usually a very complicated "paper trail" involved. The Commission controls the process, not the union or the complainant. Some offices are more sensitive to harassment than others.

If your workplace is in a <u>federally regulated sector</u>, such as banking, transportation, or communications, you are probably covered under the



Federal Human Rights Act. If your workplace is <u>not</u> subject to the Ontario Labour Relations Act, but instead must adhere to the Canada Labour Code, you should contact the <u>Canadian Human Rights Commission</u> in the case of a sexual harassment complaint.

If you work in a workplace like most others in Ontario, the commission that covers your sexual harassment complaint is the <u>Ontario Human Rights Commission</u>. There are offices throughout the province you can contact locally.



## **EXCERPTS FROM THE ONTARIO HUMAN RIGHTS CODE**

## Harassment because of sex in workplace:

- 6 (2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.
- 6 (3) Every person has a right to be free from.
- (a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- (b) a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

1981, c. 53, s. 6.



#### THE ONTARIO HUMAN RIGHTS CODE

If you have a Human Rights Complaint....

#### **COMPLAINT PROCEDURE**

The Human Rights Code, 1981, is the law in the Province of Ontario that protects everyone from being treated unfairly. It protects people from discrimination in several different areas (employment, or your job; accommodation, or where you live; and how you get services in such places as restaurants, hotels and hospitals).

The Code also protects you from what is called harassment or being bothered repeatedly by someone calling you names, or being touched in a way that makes you feel uncomfortable.

The Human Rights Code protects groups of people who are often treated in an unfair or unequal way. Some of the groups are protected because of their race, creed (religion), language, handicap (disability), sex, marital status (whether you are married or not). A complete list is at the end of this brochure.

When you believe that you are being treated badly, differently, or unfairly, you may have been discriminated against. Then you can call or write to the Ontario Human Rights Commission and ask the staff person that you talk to, to look into the problem to see if it is a complaint under the law.

You can also make a complaint when someone does something to you, such as firing you from your job for going to the Commission to make a complaint, or helping someone else go the Commission, or helping a person from the Commission investigate a complaint. These actions are called reprisals.

The Human Rights Commission consists of appointed members of the public, or Commissioners, who meet regularly to set policies and decide



on complaints. When you call a Commission office, a member of our staff will ask you to tell him or her about your concern. Efforts will be made to try to help you solve the problem, in an informal way, at that time. If the informal way, or Early Settlement Initiative is not successful, an investigation will take place. A human rights officer will then present all the information gathered and make a recommendation to the Commissioners to help them decide what to do.

#### **EARLY SETTLEMENT INITIATIVE (ESI)**

When you call the Human Rights Commission, the human rights officer you speak to will try to help you solve your problem of discrimination as quickly as possible. The ESI process may happen before you have to fill out a form to file a formal complaint. It means that the complainant can have the matter resolved more quickly than with a formal complaint. For the person or company being complained against (the respondent), the ESI process provides a chance to solve matters without a lot of formal or complicated steps. Most people who call the Commission with a problem of discrimination have that problem resolved at this stage.

#### THE COMPLAINT

Filing a formal complaint involves filling out a form with the help of a human rights officer. You must try to give all the information that you have on what took place and why you feel that you have been discriminated against. It is very important to make notes about everything that happened to you that led up to coming to the Commission to make a complaint, and bring these notes to your appointment with the human rights officer.

After you have explained your situation, the person you talk to might tell you that little or nothing can be done using human rights law. They might say to you that:

- the complaint is not within the control of the Code;
- there is a better way to deal with the matter under another law;



 what you are complaining about took place over six months before the complaint was filed and can no longer be dealt with.

The Commission staff must accept the complaint of anyone who believes that his or her rights under the Human Rights Code have been infringed. Even after you have been told by the human rights officer why little or nothing can be done about your complaint, you can still fill out the necessary forms and file your complaint.

#### WHAT HAPPENS TO YOUR COMPLAINT

If your complaint cannot be settled informally, the complaint is registered in an office of the Commission. A copy of the form with your reasons for making the complaint is given to everyone against who the complaint is made. We will tell you when the investigation of your complaint will begin.

To help the Commission find out what took place, the respondent is often asked to reply in writing to the complainant's charges. Where this happens, you will be told what the respondent said before the case proceeds further.

### INVESTIGATIVE CONFERENCE

An investigative conference or meeting is usually -- but not always -- held shortly after the Commission tells the respondents about the complaint, and they have had a chance to reply. The human rights officer chairs the meeting. The complainant and the respondent are both expected to attend to look at all the issues of the complaint.

The purpose of this meeting is:

- to find out the positions of the complainant and the respondent;
- to get information from both sides about the facts that led to the complaint;
- if possible, to find a way to settle the complaint.



After the investigative conference, if the complainant, respondent and the Commission have reached an agreement, a settlement of the complaint is written up and signed. This settlement agreement is like a contract between the complainant, the respondent and the Commission.

### INVESTIGATION

When a complaint is not settled at the Investigative Conference, further investigation will be required. In doing the investigation, the human rights officer may:

- enter a business:
- request to see documents;
- speak to witnesses who may have information about the complaint (when questioning witnesses, the officer may exclude any person who may be against the interest of the complainant, but not the witness's lawyer or representative).

If the officer is refused entry or documents, the Commission may ask for a warrant to enter the premises and to search for documents, or may ask the Minister of Citizenship, the Minister responsible for the Human Rights Commission, to appoint a Board of Inquiry. Hampering a Commission investigation is against the law.

### CONCILIATION

Following the investigation, the human rights officer meets with the parties, looks at what was found during the investigation, then tries to find a way to solve the problem. A settlement satisfactory to the complainant, the respondent and the Commission can usually be reached.

When the problem that caused the complaint is solved to everyone's satisfaction, and then approved by the Commission, the file is closed.

If the problem is not solved, the officer writes up a report which will then be sent to the parties and the Commissioners.



## THE COMMISSIONERS

To make sure that the interests of the public are being looked after, complaints that are settled are reviewed by the Commissioners before they are closed. The Commissioners also decide whether or not to ask to have a Board of Inquiry appointed.

These cases are considered at regularly scheduled meetings of the Commissioners. The Commissioners make their decision by using the summary of the information gathered together by the human rights officer. This summary is sent to both the complainant and the respondent. Each party is allowed to respond to it before it is given to the Commissioners for a decision.

If the Commissioners decide not to ask for a Board of Inquiry to be appointed, or to not deal further with the complaint, the Chief Commissioner will write to the parties telling them of the reasons for the decision.

### RECONSIDERATION

If your complaint is not decided to your satisfaction, you can apply to have that decision reconsidered, within 15 days of the date the Commission decision is mailed. The application must include the reasons why you feel that the Commission should reconsider its decision. Under certain circumstances, the Commission will consider an application later than the 15 day limit, if there are good reasons for the delay.

The Commission tells the respondent that the complainant asked for reconsideration, and gives the respondent a chance to reply.

A member of the Commission staff, different than the human rights officer who conducted the original investigation, will look at all the information that was originally gathered, may do some more investigation, and then will prepare a new report for the Commission. The Commission will then make a final decision on what to do with the case.



The Chief Commissioner will inform all the parties, in writing, of the decision of the Commission after reconsideration has taken place.

### **BOARD OF INQUIRY**

A Board of Inquiry is separate from the Commission. The Minister of Citizenship appoints the Board of Inquiry at the request of the Commission when the Commission believes that the Human Rights Code has been broken. Usually the Board of Inquiry is one person.

The Board will hold public hearings to find out whether discrimination has taken place. The complainant, the respondent and the Commission or their lawyers, and other people that the Board of Inquiry feels will give useful information, appear before the Board. The Board's decision will be based on the evidence presented and the law.

If the Board finds that there has been no infringement of the Code, the case is dismissed.

If the Board finds that discrimination has occurred under the Code, it may order that the respondent pay the complainant for any losses suffered. The Board can order other remedies to deal with the actions of the respondent that caused the complaint. Also, where the Board finds that the discrimination was deliberate or reckless, the Board may have the respondent pay the complainant up to \$10,000 for mental anguish.

Any decision or order of the Board may be appealed to the Divisional court of the Supreme Court of Ontario.

#### PROSECUTION

A person who infringes the right of another under the Code, obstructs an investigation or does not follow the order of a Board of Inquiry may be prosecuted. If convicted, the person may be fined up to \$25,000.



The Human Rights Code, 1981, provides that every person has a right to freedom from discrimination in the following areas:

- services, goods and facilities:
- the occupancy of accommodation:
- contracts:
- employment;
- membership in vocational associations and trade unions;

## on the grounds of:

- · race;
- ancestry;
- place of origin;
- colour:
- ethnic origin;
- · citizenship;
- creed;
- sex:
- sexual orientation;
- handicap;
- age;
- marital status;
- family status:
- the receipt of public assistance;
- record of offenses.



## **Ontario Human Rights Commission**

Ontario Human Rights Commission
400 University Avenue, Toronto, Ontario, M7A 2R9
Tel: (416) 965-6841
TDD: (416) 965-6871
Address all correspondence to your closed District Office:

HAMILTON	KENORA	KINGSTON
119 King St. West L8N 3Z9 Tel:(416)521-7870 Tel:(613)548-6750	227 2nd St. South P9N 1G1 Tel:(807)468-2866	80 Queen St. Suite 202, K7K 6W7 1-800-668-9508
TDD:(416)546-8278		1-800-461-2958 TDD:(613)267-5755
KITCHENER	LONDON	MISSISSAUGA
824 King St. W. N2G 1G1 Tel:(519)570-9622 1-800-263-9525	255 Dufferin Avenue N6A 5K6 Tel:(519)438-0076 1-800-268-8333 TDD:(519)438-4207	2 Robert Speck Parkway L4Z 1H8 Tel:(416)273-7811 1-800-268-2808 TDD:(416)273-6648
OTTAWA	SAULT STE. MARIE	SCARBOROUGH
2197 Riverside Dr. K1H 7X3 Tel:(613)738-2801 1-800-267-1916	390 Bay St. P6A 1X2 Tel:(705)942-8417 1-800-461-0551	2500 Lawrence Ave. E. M1P 2R7 Tel:(416)750-3575 1-800-268-6585 TDD:(416)750-3302
ST. CATHARINES	SUDBURY	THUNDER BAY
1 St. Paul St. L2R 7L4 Tel:(416)684-7406 1-800-263-4916	199 Larch St. P3E 5P9 Tel:(705)675-4455 1-800-461-4000 TDD:(705)675-6392	28 North Cumberland St. P7A 4K9 Tel:(807)623-9119 1-800-465-8996
TIMMINS	TORONTO CENTRAL	WINDSOR
210 Spruce St. South Suite 103 P4M 2M5 Tel:(705)266-2838 1-800-461-7863	595 Bay St. M5G 2C2 Tel:(416)326-9511 TDD:(416)326-9669	500 Ouellette Avenue N9A 1B3 Tel:(519)256-8278 1-800-265-5140

Toll-Free Long Distance: If you are outside the local area and within the area code, call the number listed under 1-800.



# **EXCERPTS FROM THE CANADIAN HUMAN RIGHTS ACT**

### Harassment

- 14 (1) It is a discriminatory practice
- (a) in the provision of goods, services, facilities or accommodation customarily available to the general public,
- (b) in the provision of commercial premises or residential accommodation, or
- (c) in matters related to employment, to harass an individual on a prohibited ground of discrimination.

## Sexual harassment

14 (2) Without limiting the generality of subsection (1), sexual harassment shall, for the purposes of this subsection, be deemed to be harassment on a prohibited ground of discrimination.

1980-81-82-83, c. 143, s. 7.



#### THE CANADIAN HUMAN RIGHTS ACT

"Every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society granted."

#### **TEN GROUNDS**

The Act lists 10 specific grounds on which discrimination is forbidden:

- \* Bace
- \* National or ethnic origin
- \* Colour
- \* Religion
- \* Age
- \* Sex
- \* Marital status
- \* Family status
- \* Pardoned conviction
- \* Disability

The Act provides that discrimination based on pregnancy or childbirth is sex discrimination.

Disability means any previous or existing mental or physical disability and includes disfigurement and dependence on alcohol or a drug.

### YOU ARE PROTECTED

Everyone is protected by the Canadian Human Rights Act in dealings with the federal government and federally-regulated companies like banks, railways and airlines.



About a million employees, who work for the federal government and federally-regulated companies, are covered on the job.

Accommodations: a member of a minority religion cannot be refused the opportunity to rent space in a federal airport because management fear the unusual clothing worn for religious reasons might upset other tenants.

The Act also forbids harassment, including not only sexual harassment but harassment on any of the 10 grounds.

Discriminatory notices: a poster that encourages discrimination is illegal.

Hate messages: pre-recorded telephone hate messages are forbidden.

## **EXCEPTIONS**

The Act provides for certain unavoidable exceptions.

Bona fide occupational requirements: a job may be refused to a person who cannot perform it safely, efficiently and reliably.

Bona fide justification: a service may be refused to a person when it cannot be offered without undue costs.

Equal pay guidelines: there are 9 "reasonable factors" that may justify differences in pay scales for men and women performing work of equal value in the same establishment. These include different performance ratings, seniority, red circling and rehabilitation assignments.

Child care: an employer can grant workers special leave or benefits in connection with pregnancy or childbirth or for the care of their children.

Mandatory retirement: a worker can be retired at the age that is "normal" for the kind of work involved.

Age guidelines: lower transportation fares are permitted for children and senior citizens.



\* The Canadian Human Rights Commission has asked Parliament to ban mandatory retirement based solely on age. The Commission believes workers should not be forced to retire as long as they can do the essential tasks of the job.

## **ACCESS FOR ALL**

Special programs: the Canadian Human Rights Act, like the Charter of Rights and Freedoms, makes provisions for special programs designed to end long-standing disadvantages and prevent them from happening again. A special program can be something as simple as a training program for workers from a disadvantaged group or a full-fledged employment equity plan.

Accessibility: the Canadian Human Rights Act recognizes that persons with disabilities must have access to premises, services and facilities and provides for standards.

Standards: the government can set access standards if it chooses to. It could, for example, determine where ramps should exist so people who get around in wheelchairs could easily enter buildings under federal jurisdiction.

Anyone who failed to meet the standard could face a discrimination complaint. But anyone who did meet the standard would be protected against complaints.

Adaptation plans: employers and those who offer goods, services, facilities and accommodations are encouraged to draw up plans for adapting to the needs of persons with disabilities. If a plan has been approved by the Canadian Human Rights Commission, and if it is being followed, it protects employers against complaints on matters to be dealt with under the plan.



### THE CANADIAN HUMAN RIGHTS COMMISSION

The Canadian Human Rights Act is administered by the Canadian Human Rights Commission. Ten times a year, the Commission, made up of two full-time and up to eight part-time members, meets to decide on individual complaints and approve Commission policy.

Besides investigating complaints of discrimination, the Commission, under the direction of the Chief Commissioner and the Deputy Chief Commissioner:

- \* fosters public understanding of human rights
- \* carries out research on human rights
- keeps in touch with provincial human rights commissions to avoid problems of overlapping jurisdictions
- \* advises Parliament on human rights issues
- \* considers suggestions concerning human rights
- \* uses publicity and education to help eradicate discrimination

#### COMPLAINTS

Anyone who believes there has been an incident of discrimination can make a complaint. The Commission itself can launch a complaint.

Each case may go through many stages.

Investigation: when the complaint has been accepted, a human rights officer interviews witnesses and gathers documents to get the facts.

Review by the Commission: members of the Commission review the investigator's case analysis and decide what to do next.

Dismissal: if the facts do not support the complaint, the case is dismissed.



Settlement: although investigation is a fact-finding stage, it often happens that an agreement is reached on how to resolve the complaint. Such an agreement becomes a settlement under law if it is approved by the Commission.

Conciliation: if a complaint is valid but there has been no resolution, the Commission can turn the case over to a conciliator. The conciliator's job is to bring about a satisfactory settlement between both parties.

Review by the Commission: If conciliation, results in a mutually satisfactory settlement, it is approved by the Commission.

Tribunal: If conciliation fails, the Commission can refer the complaint to an independent tribunal. Tribunals hear the facts of the complaint and if they agree the complaint is valid, they have the power to order a resolution to correct the situation. Anyone who disobeys a tribunal order can be fined or jailed by the Federal Court.

A complaint can be sent to tribunal at any stage, but such a referral usually occurs after conciliation has failed.

#### APPEALS

Appeals: tribunal decisions can be appealed to a review tribunal or the courts, by the complainant, the respondent or the Commission, depending on the circumstances. Review tribunal decisions can be appealed to the Federal Court or in some cases to the Supreme Court of Canada.

The Canadian Human Rights Act provides for fines of up to \$50,000 for threatening, intimidating or discriminating against an individual who has filed a complaint, or for hampering the investigation process.



**National Office** 

Canadian Human Rights Commission

Telephone: (613) 995-1151 Visual Ear: (613) 996-5211

## Regional Offices:

Atlantic: Ontario:

Telephone: (902) 426-8380 Telephone: (416) 973-5527 Visual Ear: (902) 426-9345 Visual Ear: (416) 973-8912

No Charges: 1-800-585-1752

Quebec: Prairies:

Telephone: (514) 283-5218 Telephone: (204) 983-2189 Visual Ear: (514) 283-1869 Visual Ear: (204) 983-2882

National Capital: Western:

Telephone: (613) 996-0026 Telephone: (604) 666-2251 Visual Ear: (613) 998-5927 Visual Ear: (604) 666-3071

These offices accept collect long distance calls.



## OTHER EDUCATIONAL RESOURCES:

Additional copies of this video and presentation guide are available through:

Ontario Federation of Labour 15 Gervais Drive, Suite 202 Don Mills, Ontario M3C 1Y8

Telephone: (416) 441-2731

and

Publications Office
The Ontario Women's Directorate
2 Carlton Street, 12th Floor
Toronto, Ontario M5B 2M9

Telephone: (416) 314-0300

To borrow the video at no charge, contact:

L & M Media Marketing

c Ontario Women's Directorate, 1992

Produced by: OFL in collaboration with the OWD

Aussi disponible en français



#### OTHER SOURCES OF INFORMATION:

## **Ontario Women's Directorate**

The OWD Resource Centre has a number of <u>videos</u> you can arrange to screen. If you wish to borrow videos, the OWD can refer you to the company which lends videos at no cost.

The OWD Publications office has a range of <u>printed materials</u> available in single copies or in bulk on issues relating to sex discrimination, assault, and harassment.

Several useful posters are available at no cost which relate to workplace harassment and sexual assault.

## Ontario Federation of Labour and Affiliated Unions

#### Policy papers

Many unions have policy statements on sexual harassment. Some unions have also developed educational packages.

#### Courses

A number of unions have developed courses and workshops which include sexual harassment -- speak to your staff representative for further information.



# RESOURCE 'C' - VIDEOS AND FILMS:

THESE ELEMENTS SHOULD BE CONSIDERED WHEN SELECTING A VIDEO/FILM:

- · A REPRESENTATIVE WORKFORCE IS FEATURED.
- CONTENT AND SETTINGS ARE RELEVANT TO THE WORKPLACE.
- · CANADIAN OR ONTARIO LEGISLATION IS REFERRED TO.
- NO STEREOTYPES IN LANGUAGE, JOB DESCRIPTION, INTERACTION.
- · MATERIAL IS NOT OUTDATED.
- PRESENTATION STYLE AND LENGTH ARE SUITABLE TO THE AUDIENCE.



THE POWER PINCH: SEXUAL HARASSMENT IN THE WORKPLACE

16 mm film: 1981: 26 minutes

Uses interviews with women to show different types of sexual harassment behaviours. Demonstrates difference between flirtation and sexual harassment; illustrates "poisoned environment:" addresses issue of abuse of power and the office atmosphere of "going along with the guys." Deals with corporate costs and informs managers of their responsibility in preventing sexual harassment. Although "old", it is not outdated. Refers to U.S. legislation. Includes diversity in workforce.

Suitable Audience:

Professionals, corporate managers

Presentation Style:

Interviews/vignettes with on-screen narrator

Setting:

Office

Source:

Marlin Motion Pictures, 211 Watline Avenue.

Mississauga, Ontario (416) 890-1500

Guides:

Leader's Guide, Manager and Employee Handbook

**HOW FAR IS TOO FAR? (20/20)** 

Video: 1987: 17 minutes

ABC News 20/20 segment with hosts Hugh Downs and Barbara Walters. Reporter Lynn Sherr interviews two women whose victories in court have helped establish higher standards for behaviour on the job. Refers to U.S. legislation. Non-diverse workforce.

Suitable Audience:

Professional, corporate managers

Presentation Style:

**Documentary/vignettes** 

Setting:

Washington architectural firm

Source:

Marlin Motion Pictures, 211 Watline Avenue.

Mississauga, Ontario (416) 890-1500

Guides:

Discussion Guide



## SEXUAL HARASSMENT

Video; 1989; 44 minutes

Thirteen part video. Host Peter Quarry discusses sexual harassment -- what it is and how to prevent it -- with female and male studio audience, who decide whether four dramatised office situations are sexual harassment. Addresses some assumptions made by men in interaction with women. Non-diverse workforce.

Suitable Audience:

Academic

Presentation Style:

Interviews/vignettes

Setting: Source:

Australian television studio

M

Marlin Motion Pictures, 211 Watline Avenue,

Mississauga, Ontario (416) 890-1500

Guides:

**Booklet** 

# SEXUAL HARASSMENT IN THE WORKPLACE

Video: 1988: 20 minutes

Explores sexual harassment through a series of vignettes and interviews. Outlines the responsibilities of employers and the rights of employees under the Canada Labour Code for federally regulated businesses. Provides information on prevention and redress. Deals with sexual harassment by co-workers and supervisor and demonstrates the "poisoned work environment." Examples include a non-traditional apprentice carpenter. Non-diverse workforce.

Suitable Audience:

Technical, clerical staff, trades

Presentation Style:

Interview/vignettes/narration

Setting:

Office mostly

Source:

Produced by Women's Bureau, Labour Canada, 165

Hotel de Ville, Place du Portage, Phase 2, Hull,

Québec L1A 0J2 (819) 953-0055

Guides:

N/A



#### **WORKPLACE HUSTIF**

16 mm film; 1980; 30 minutes

Narrated by Ed Asner with an interview of Lyn Farley, author of <u>Sexual Shakedown</u>, who stresses the damaging effects of sexual harassment. Shows a group of women and men discussing sexual harassment from different male/female perspectives. Differentiates between sex and sexuality; emphasizes problem as institutional/ systemic; encourages women to speak out and act to stop harassment. Explains the need for informal supports to deal with social expectations using the example of the "macho" male. Diverse workforce.

Suitable Audience: Ge

General, corporate managers, employees

Presentation Style:

Vignettes/narration

Setting:

Office, non-traditional work

Source:

L & M Media Marketing, 115 Torby Road, Unit 9,

Markham, Ontario L3R 2M9 (416) 475-3750

Guides:

N/A

## TAKING ACTION

Video; 1986; 27 minutes

Developed by Petro-Canada as a communication tool for its workforce. Hosted by Peter Gzowski, defines sexual harassment, shows a series of vignettes which demonstrate different types of harassment and stress the importance of a company policy. It provides examples of peer pressure, gender discrimination, and "poisoned work environment." Some workforce diversity.

Suitable Audience:

Non-traditional workers, clerical staff

Presentation Style:

**Vignettes** 

Setting:

Office/gas station

Source:

L & M Media Marketing, 115 Torby Road, Unit 9.

Markham, Ontario L3R 2M9 (416) 475-3750

Guides:



BREAKING THE TRUST: SEXUAL HARASSMENT ON CAMPUS

Video; 1986; 25 minutes

Based on case studies, research in universities and the educational system, shows situational enactments of sexual harassment incidents. Interviews students and staff who have experienced sexual harassment on campus and talk about their feelings. Vignettes demonstrate gender discrimination and different ways in which men harass and intimidate women. Encourages women to speak out and seek support. Some diversity in workforce.

Suitable Audience:

Academic/educational community

Presentation Style:

Vignettes/interviews

Setting:

University of Western Ontario Campus

L & M Media Marketing, 115 Torby Road, Unit 9,

Source:

Markham, Ontario L3R 2M9; (416) 475-3750

Guides:

N/A

#### COURTING EQUALITY

Video; 1989; 25 minutes

Two university students discuss discrimination and harassment with LEAF (Legal Education and Action Fund) representative. Presents an overview of different types of discrimination cases LEAF deals with including pregnancy discrimination, sexual assault, etc. Solicits support for LEAF. Non-diverse workforce.

Suitable Audience:

Academic

Presentation Style:

Mostly lecture/discussion/short vignettes

Setting:

University cafeteria

Source:

Women's Legal Education and Action Fund, 489

College Street, #403, Toronto, Ontario (national

office). (416) 963-9654

Guides:



## A COSTLY PROPOSITION: SEXUAL HARASSMENT AT WORK

Video; 1986; 23 minutes

Five-unit training program which uses vignettes to focus on subtle and complex issues surrounding sexual harassment. Each vignette addresses the following different aspects:

"Quid pro quo" harassment Harassment by "third parties" Hostile work environment Non-participant harassment Grey areas

Deals with legal implications and focuses on preventive solutions. Nondiverse workforce.

Suitable Audience:

Professional staff, supervisors, those in the

creative arts field

Presentation Style:

**Vignettes** 

Setting:

Film making location, music business

Source:

International Tele-Film, 47 Densley Avenue.

Toronto, Ontario (416) 241-4483

Guides:

Leader's Guide, Participant Guide

# SEXUAL HARASSMENT IN THE WORKPLACE...IDENTIFY. STOP. PREVENT. (PART I)

Video; 1990; 23 minutes

Defines sexual harassment, how to identify different types and how to prevent it from happening. Provides very basic information. Refers to U.S. legislation. Non-diverse workforce.

Suitable Audience:

Office workers, supervisors

Presentation Style:

**Vignettes** 

Setting:

Office

Source:

International Tele-Film, 47 Densley Avenue.

Toronto, Ontario (416) 241-4483

Guides:



## HANDLING THE SEXUAL HARASSMENT COMPLAINT (PART II)

Video; 1990; 15 minutes

Explains steps in handling complaints from receiving to investigation and action. Emphasizes benefits of internal resolution over lawsuit. Provides overview of the process emphasizing the need to deal with incidents early on. Refers to U.S. legislation. Non-diverse workforce.

Suitable Audience:

Supervisors, managers

Presentation Style:

Vignettes

Setting:

Office

Source:

International Tele-Film (see above)

Guides:

N/A

## IT'S NOT JUST COURTESY, IT'S THE LAW

Video; 1989; 27 minutes

Uses various situations to illustrate examples of "subtle" sexual harassment. Shows both men and women as victims of sexual harassment with the male victim handling the situation more effectively. Presents a comprehensive overview of some complex issues using a variety of work settings. Stresses how difficult it is to change behaviours until the situations "hit home." Diverse workforce.

Suitable Audience:

Supervisors, managers, employees, non-traditional

workforce

Presentation Style:

Vianettes

Setting:

Office, non-traditional work settings

Source:

Wilson Smith Learning Resources, 39 Lakeshore

Road East, Mississauga, Ontario L5G 1C9,

(416) 271-8381

Guides:



#### CALL ME SISTER...CALL ME BROTHER

Video: 1991: 20 minutes

Deals with sexual, racial, and general harassment between co-workers. Stresses different perceptions of behaviours by men and women. Presents examples of both men and women being harassed. Using a cartoon style, takes the viewer through the complaint process. Diverse workforce.

Suitable Audience:

Union member, non-traditional workforce

Presentation Style:

Interview/vignettes/cartoons

Setting:

Foundry/factory

Source:

Produced by the Canadian Auto Workers Union,

(416) 497-4110

Guides:

N/A

#### ALL THE WRONG MOVES

Video; 1988; 23 minutes

Through the use of three vignettes, shows range of sexual harassment behaviours with legal definition. Explains rights, responsibilities and liabilities of both individuals and organizations. Using realistic examples, demonstrates hostile work environment with co-workers and subtle harassment by supervisor. Refers to U.S. legislation. Some diversity in workforce.

Suitable Audience:

Management, technical staff, workers

Presentation Style:

**Vignettes** 

Setting:

Office, non-traditional work setting

Source:

International Tele-Film, 47 Densley Avenue,

Toronto, Ontario (416) 241-4483

Guides:



SISTER AND BROTHERS: WORKING TOGETHER

Video: 1992: 16 minutes

Stephen Lewis, a well-known figure in Canadian public life, offers candid reflections about equality for women in the labour movement. The former ambassador to the United Nations addresses a number of issues including sexual harassment, employment equity, discrimination against women and minority groups, and union policies regarding women members. Lewis urges union leaders to open the doors to women's full participation and to remove barriers to women's equality by developing policies on such problems as sexual harassment. The video is designed to support discussion about the issues.

Suitable Audience:

Union leaders, members, employees

Presentation Style:

Lecture

Settina:

Lewis' home

Source:

Produced by Steelworkers District 6, 400 The East

Mall, Islington, Ontario, M9B 4B1; (416) 626-6332 -

in collaboration with the Ontario Women's

Directorate

Also available through LM Media Marketing

Guides:

User's quide



# SEXUAL HARASSMENT IN THE WORKPLACE: WORKING IT OUT Video; 1993; 20 minutes

The Ontario Federation of Labour has developed this video to raise awareness of sexual harassment with union leaders and members. Women victims of harassment in the workplace tell their stories. Spokespersons from different unions (USWA, CUPE, CAW, PSAC, etc...) explain how important this issue is to unions in the 90s and what they can do to address it. Diverse.

Suitable Audience:

Union leaders, members, employees, managers

Presentation Style:

Interviews/narration

Setting:

Factory, office, shop floor

Source:

Produced by OFL, 15 Gervais Drive, Don Mills,

Ontario, M3C 1Y8 (416) 441-2731 - in collaboration

with the Ontario Women's Directorate
Also available through LM Media Marketing

Guides:

Video discussion workbook



## RESOURCE 'D' - WHAT ELSE TO READ

Aggarwal, Arjun P. <u>Sexual Harassment in the Workplace</u> (Toronto: Butterworths, 1992, revised edition).

A Canadian study of workplace harassment, important in Canadian cases, and frequently quoted in the decisions; reviews various legal and other definitions of sexual harassment, both from Canada and from other countries, and provides a synthesis of these definitions; includes Canadian court cases, human rights tribunals and boards of inquiry, and arbitration decisions (in unionized workplaces); discusses how racial harassment decisions are used in sexual harassment legal cases.

Astrachan, Anthony. How Men Feel: Their Responses to Women's Demands for Equality and Power (New York: Doubleday, 1986).

The book focuses on the United States, but the author was also accepted as an "expert witness" on causes of sexual harassment in Ontario; based on interviews and reviews of other studies, suggests four "types" of male reaction to women in the workforce: the supporters, the pragmatists, the ambivalents and the opponents; argues that some men are frightened by competent women at work, so try to treat them as the familiar "wife, mother, lover or whore", instead of welcoming competence.

Backhouse, Constance and Leah Cohen. <u>The Secret Oppression: Sexual Harassment of Working Women</u> (Toronto: MacMillan, 1978).

One of the first Canadian studies, also informed by the U.S. experience and cases; reviews past studies and surveys of how common sexual harassment in the workplace is, discusses why it is under-reported, its causes, and its many forms; discusses common myths about sexual harassment in the workplace, why these beliefs are so common, and why there is resistance to changing beliefs and stopping harassment; provides suggestions for overcoming resistance and for preventing and ending sexual harassment in the workplace.



MacKinnon, Catharine A. <u>Sexual Harassment of Working Women: A Case of Sex Discrimination</u> (New Haven: Yale University Press, 1979).

The first legal study of workplace sexual harassment in the U.S., and still influential in important Canadian cases; looks at how the working world is sex segregated, why women are therefore subjected to sexual harassment, and legal approaches to sexism and racism; discusses the legal relationship between sexual harassment and sex discrimination; presents two types of harassment ("quid pro quo" and the "poisoned work environment"), discusses women's experience of these, and their legal contexts.

II. Other references that may be useful for employers, for human resources personnel, or for sexual harassment prevention advisers to make available as required:

Canadian Woman Studies/les cahiers de la femme.(1) Violence Against Women (Volume 11, No. 4, Summer 1991), and (2) Violence Against Women: Strategies For Change (Volume 12, No.1, Fall 1991).

These two special issues provide a context for greater understanding of the problems of violence against women, including sexual harassment in the workplace; they also contain information, ideas and strategies about women, men and organizations taking actions to stop the violence; many libraries carry this magazine or, if you prefer, you may purchase back issues; write to <a href="CWS/cf">CWS/cf</a> at 212 Founders College, York University, 4700 Keele Street, Downsview, Ontario M3J 1P3 or call them at (416) 736-5356.

Wise, Sue and Liz Stanley. <u>Georgie Porgie: Sexual Harassment in Everyday Life</u>. (London: Pandora/Routledge & Kegan Paul, 1987).

While based on perspectives from England, this very readable book also reviews definitions, legislation and strategies from other countries, particularly the U.S.A.; contains a good analysis of popular misconceptions about sexual harassment, including analysis of news reporting and media coverage regarding sexual harassment; using accessible language, integrally considers multiple forms of harassment, an historical review of trade union actions, and consideration of the sexual harassment of heterosexual and lesbian women.



## SAMPLE UNION ANTI-HARASSMENT POLICIES

CANADIAN AUTO WORKERS UNION (C.A.W. - CANADA)

CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT & GENERAL WORKERS (CBRT&GW)

CANADIAN UNION OF POSTAL WORKERS (CUPW)

CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)

COMMUNICATIONS AND ELECTRICAL WORKERS OF CANADA (CWC)

ONTARIO FEDERATION OF LABOUR (OFL)

ONTARIO PUBLIC SERVICE EMPLOYEES UNION (OPSEU)

PUBLIC SERVICE ALLIANCE OF CANADA (PSAC)

UNITED STEELWORKERS OF AMERICA (USWA)



## SAMPLE ANTI-HARASSMENT CONTRACT LANGUAGE

CANADIAN AUTO WORKERS UNION (CAW - CANADA)

CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT & GENERAL WORKERS (CBRT&GW)

CANADIAN UNION OF POSTAL WORKERS (CUPW)

ONTARIO PUBLIC SERVICE EMPLOYEES UNION (OPSEU)

PUBLIC SERVICE ALLIANCE OF CANADA (PSAC)



## Document 2

## 1st Biennial Convention



November 25-29, 1991

## **CHALLENGING HARASSMENT**

Racism, sexism, homophobia and violence are integral parts of Canadian society. We have grown up in a system which accepts and perpetuates the intolerance of difference as social norms. An economic recession makes this problem worse. Often the intolerance is carried over into the workplace in the form of harassment. Intolerance is a societal issue, but unions can directly address this issue in the workplace.

The labour movement is committed to improving the social and economic well-being of workers. Harassment on the job or at union functions destroys that well-being. Trade unionists must understand and confront harassment because it threatens union solidarity. The elimination of harassment will bring us one step closer to our goal of equality for all men and women in the workplace and in society.

Confronting harassment has been a controversial issue in the labour movement. In the 1970's and 80's the debate was marred by defensive laughter, denial and emotionally charged accusations. Perhaps this is because fighting harassment cuts to the heart of our stereotyped ideas and attitudes about each other. Some unions have gone through this difficult debate. They adopted policy statements, organized educational programs and negotiated

clauses and grievance procedures to protect their members.

The debate is not over. Only 18% of collective agreements in Ontario include language on sexual harassment (this information is not available for other types of harassment). Today, activists may meet silence rather than discussion. Resistance to this issue has gone underground. This makes education and change harder to achieve. As difficult as this is, we must work together to end harassment and discrimination in all locals and workplaces!

#### WHAT IS HARASSMENT?

The Ontario Human Rights Code defines harassment as vexatious comments or conduct that is known, or should reasonably be known, to be unwelcome. This behaviour could range from posting offensive pictures, verbal taunts to physical assault. This behaviour could happen once or many times over many years. If the victim tells the harasser to stop, then the harasser cannot claim that he/she thought the behaviour was welcomed. Even if the victim does not speak out and the behaviour only happened once, it could be viewed as harassment. The Ontario Human Rights Commission would see it as harassment if it is severe and a 'reasonable' person would have known better.



The Code prohibits harassment in employment because of sex, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, handicap, age, family status, marital status and record of offenses.

Also the Code specifically prohibits any unwelcome sexual advance, including remarks or physical contact by co-workers or by anyone able to grant or deny a benefit such as a supervisor, professor, etc. Reprisals against someone who rejects a sexual advance is also prohibited.

The Canadian Human Rights Act provides that an employer can be liable for any act committed by an officer, director or employee in the workplace and the employer must be proactive in preventing workplace discrimination and harassment. Bonnie Robichaud, a PSAC member, won a ten year struggle against the Department of National Defence. The Supreme Court of Canada ruled that her employer was responsible for preventing sexual harassment in the workplace.

This established for the first time in federal jurisdiction that the employer must maintain a 'harassment free workplace'.

The Ontario Human Rights Commission has ruled that a 'poisoned work environment' is harassment that is not directed at any one person. Either a supervisor or a co-worker can create a poisoned work environment. Intimidation may be created through stereotyped pin-up pictures, graffiti, jokes and slurs, even though not directed at any specific person.

Though the behaviour is not directed at anyone, a worker's self-image may be affected. For example, if everyone tells racist jokes and there's only a few visible minorities in that workplace, it is reasonable

to assume that they will be offended. The Supreme Court upheld the 1983 ruling of sexual harassment against Commodore Business Machines Ltd. This ruling established that the employer must prevent a poisoned work environment as part of providing a harassment free workplace. This behaviour can never be a 'condition of employment' and workers do not have to but up with it.

Another variation occurs when one group of workers taunts another group of workers, for example, racially mixed workplaces.

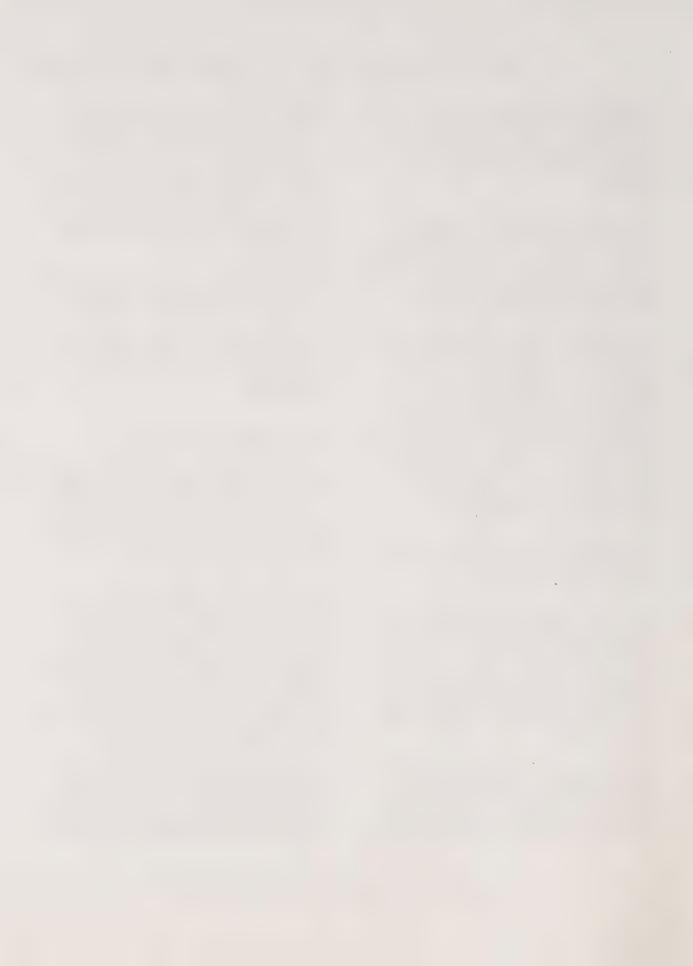
Both federal and provincial human rights legislation guarantee a right to equal treatment and a workplace free from harassment.

#### THE IMPACT OF HARASSMENT

Workers who experience harassment may be fired or forced to quit. They may suffer missed promotions, unwanted transfers, social isolation, negative comments in their personnel files, demotions, changes in work assignments, increase in workloads and other workplace reprisals.

Harassment has become a severe occupational hazard for workers, which can affect their physical and mental health. Many suffer symptoms of stress such as ulcers, headaches, nausea, muscle spasms, insomnia, hypertension and heart problems, brought on by on-going fear, depression and anger. Harassed workers' performance may begin to suffer and they may begin to avoid work through absenteeism.

Union stewards need to investigate that harassment is not the underlying cause of sudden changes in work performance or rate of absenteeism. Employees, who have been harassed and intimidated, may need



emotional support from stewards to gain the confidence to file a grievance.

If workers do not report harassment, their silence can be viewed as compliance rather than intimidation. If they complain, the harassed worker is often blamed for inviting or provoking the harassment, but excuses are often found for the harasser.

However, workers can fight back effectively. Everyone should document the incidents and confront the harasser in public or in writing. This is sometimes effective at stopping the behaviour.

Unions have to recognize that much work is needed at the bargaining table, with only 18% of collective agreements containing anti-harassment language. Many workers have no other options than to complain to the employer, file a human rights complaint, criminal charges, and/or a civil suit.

A claim for compensation for stress due to sexual and racial harassment was provided for the first time in 1990. The Ontario Workers' Compensation Board awarded compensation to a woman who worked at Colgate-Palmolive. The woman endured six years of harassment from her co-workers and her attempts to obtain support from the union and management met with no success. Her exposure to demeaning, racially insulting and sexually provocative insults throughout her employment resulted directly in severe medical problems. This worker has also filed a complaint with the Ontario Human Rights Commission which is still outstanding.

As an extension of the reasoning in the 1990 Gohm vs. Domtar decision, in future cases unions may be found equally liable with the employer, if union leadership is aware that discrimination or harassment is occurring and fails to address it. That case

involved failure to accommodate religious beliefs and both the employer and union were found in violation of the Code.

Ignoring harassment doesn't make it go away. A study by the American Federation of State, County and Municipal Employees, found that, in three-quarters of the cases when sexual harassment was ignored, the harassment continued or became worse. The only way to end harassment is to challenge the harasser's behaviour.

#### **HARASSERS**

Why do people harass others? Some psychologists, such as Dr. Peter Jaffe a psychologist from London, Ontario, have identified an 'authoritarian' personality who is threatened by differences and responds aggressively. Feminists believe that harassers want to gain power over women and that sexual favours are incidental. Sometimes harassment can seem to have more direct payoff when the harasser and friends of the harasser obtain some benefit. Our society's hierarchical structure leads each group to attempt to exert power over another.

High unemployment, a widening income gap and fewer jobs keep women and minorities in undervalued and vulnerable positions in the workplace. When combined with intolerance of racial diversity and other differences, this serves to maintain the conditions that perpetuate harassment.

In the <u>Arbitration Journal</u>, March 1991, Professor Aggarwal said that the Supreme Court of Canada has stressed that, in human rights cases, it is the impact of the discrimination on the victim - and not the intent of the wrong doer - that matters. However, discipline imposed by the employer for harassment is grievable.



Arbitrators consider factors such as the gravity of the misconduct, seniority and previous disciplinary record, whether it was an isolated or repeated action, and what the employer did about it.

What about frivolous complaints? Research has shown that this kind of a complaint is rare. When complaints are frivolous, vindicative or malicious, employers do take appropriate action. Disciplinary action must be for just cause and grievable under the terms of the collective agreement.

Who should take responsibility for confronting harassment - the victim or society? Dr. Peter Jaffe has recently released results of a 1991 study, which shows that wife assault is less likely to recur when charges are laid by the police, rather than by the wife. The responsibility for ending violence in all its forms must be with society, not with the victim. Employers and unions must take a pro-active role in ending workplace harassment.

#### LABOUR'S DEFINITION

A consensus has emerged between the labour movement, federal and provincial human rights commissions, and community advocates on the following definitions of sexual and racial harassment. It is only very recently that all three groups are grappling with the issues related to personal harassment.

#### Sexual Harassment:

Research has shown that, from an early age, males are taught that their role is to be an economic provider and to be sexually aggressive. Some men believe that women don't mean it when they say "No". These attitudes may result in family violence and be carried over into the work environment

as sexual harassment. This attitude is so pervasive that one in four Canadian women will be sexually assaulted at some time in their lives. One in eight will be battered by their spouses, according to a 1991 brief by the Canadian Advisory Council on the Status of Women

## Sexual harassment may include:

- unwelcome remarks, jokes, innuendos, or taunts about a person's body, clothing, or sex;
- insulting gestures and practical jokes of a sexual nature which cause awkwardness or embarrassment:
- displaying pornographic, pin-up pictures, graffiti or other offensive material;
- leering (suggestive staring):
- refusing to talk to, or work with, an employee because of his or her sex;
- demands for sexual favours:
- unnecessary physical contact, such as touching, patting or pinching;
- physical assault.

Sexual harassment has nothing to do with affection, flirtation, romance or love affairs, when both parties consent freely to the relationship. Sexual harassment is about power. Harassers use the threats to extort sexual favours and as a way to force women out of non-traditional jobs.

A 1980 U.S. federal government employees' study by the Merit Systems Protection Board, found that 42% of the women and 15% of the men reported sexual harassment. At least 9% left their jobs. The study concluded that sexual harassment costs the U.S. government \$95 million in medical bills, sick leave, loss in productivity, etc. Sexual harassment was highest amongst women trainees (51%).



A 1986 Report on Types of Sexual Harassment at Companies by the U.S. Bureau of National Affairs showed 96% of complaints were heterosexual. Most cases were men as harassers of women.

A 1983 Canadian Human Rights
Commission survey found that 1.2 million
women in Canada (90%) believe that they
have been sexually harassed. A 1980 study
conducted by the British Columbia
Federation of Labour and the Vancouver
Women's Research Centre indicated that
90% of respondents were victims of sexual
harassment.

## Racial harassment may include:

- unwelcome remarks, jokes, innuendos, or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or ancestry;
- the displaying of racist pictures, graffiti or material;
- refusing to talk to, or work with, an employee because of his or her ethnic or racial background;
- insulting gestures or practical jokes based on racial or ethnic grounds which cause embarrassment or awkwardness;
- physical assault.

Racial harassment has been documented through human rights complaints, grievance/arbitration awards and anecdotes at union educationals. However, statistical data about harassment in the workplace is non-existent.

In 1985, the Ontario Human Rights
Commission lost all credibility with human
rights activists. It was unable to prove that
repeated racial slurs were in violation of the
Code. Wei Fu, an OPSEU member and a
government security guard, was singled out

for different and harassing treatment by his supervisor. The decision of the one-person board of inquiry was that the use of racial jokes and slurs were not a breach of the Code. In 1989, the Commission released its policy on racial slurs and jokes. This policy is educational and a guideline. Since it is not part of the Code, the guideline cannot be enforced.

Native women and women of colour are in "double jeopardy" as they experience both racial and sexual harassment. A recent study by the Ontario Native Women's Association reported that 80% of Aboriginal women surveyed were abused or assaulted. However, there are few studies examining the incidence of harassment they experience in the workplace.

Labour's definition of personal harassment, which is broader than what is presently covered by provincial and federal human rights codes, includes:

- unwanted remarks, jokes, innuendos or taunting about a person's abilities, political belief, marital and family status, religion, record of offence, receipt of social assistance, sexual orientation and union activities;
- insulting gestures and practical jokes that would cause awkwardness and embarrassment;
- displaying of offensive pictures or written material;
- refusing to talk to, or work with, an employee for the reasons noted above;
- physical assault.

Personal harassment may be defined as the repeated intentional offensive comments or actions, deliberately designed to demean an individual, cause personal humiliation and/or threaten the economic livelihood of



that worker. Personal harassment can be non-sexist and non-racist. The behaviour is directed against a person on the basis of disability, marital status, religion, physical appearance or sexual orientation.

There are no studies that clarify how often these forms of harassment occur in the workplace. However, we can generalize from other studies that harassment must be occurring. For example, the Disabled Women's Network in a 1990 study found that disabled girls are twice as likely as able-bodied girls to be sexually assaulted. Also, disabled women are more likely than able-bodied women to experience violence.

In Toronto, within a three block radius of Church and Wellesley Streets, there were 208 cases of assault reported over the last year to the Gay Assault Hotline. These assaults happened when victims were accosted on the street because it was assumed they were gay or lesbian. As with racial harassment, no studies exist on the incidence of workplace harassment due to sexual orientation. However, we know, through anecdotal information that workers are experiencing this type of harassment.

Now under the Code, sexual orientation is the only ground which is not protected against harassment. All other grounds are protected against discrimination and harassment in the workplace. The exclusion of sexual orientation is out of date and must be changed.

A recent landmark decision by Ontario
Court Justice clearly show that the
Canadian Human Rights Act does not
comply with the Charter of Rights and
Freedom. Mr. Justice Joseph McDonald
ruled that the Canadian Act violates the
equality guarantees of the Charter because
it does not include sexual orientation
among its prohibited grounds of discrimination.

Another form of harassment is "abuse of authority". This would include supervisors, who use their position and power to intimidate or coerce employees for personal vendettas. This definition is broader than provincial and federal human rights legislation, as it includes harassment based on other grounds, e.g. personality conflict. Another possible ground of harassment and discrimination is political belief and union activity. This is also not protected against harassment or discrimination under the provincial or federal human rights legislation.

#### LABOUR'S RESPONSE

Employers are legally charged with the responsibility for maintaining a harassment free workplace. However, as with health and safety, we know from long experience that unions must take a proactive approach to ensure workers' rights.

One of the cornerstones to building a strong union is the principle that every member has the right to dignity and respect. This means being able to work in a harassment-free workplace and participating in a welcoming union environment. As a result of many unions' experiences, we know that an adaptation of the normal grievance procedure is the most effective response to harassment.

Collective bargaining language is a powerful mechanism to end harassment. Making this mechanism effective will require negotiating a separate comprehensive clause that deals with both supervisor and co-worker harassment. The possibility of a member complaining about another member's actions is distasteful and divisive. However, unions must take a stand that harassment is completely unacceptable behaviour regardless of the perpetrator. Offenders must be held accountable for their



behaviour. This important component of effective harassment language has been included in many unions' policies for the workplace and internal union events such as: CAW, CBRT&GW, CUPE, OPSEU, PSAC, UFCW and USWA

- Recommended anti-harassment provisions for collective agreement language include:
- \* A stated commitment by the employer and union to establishing and maintaining a harassment-free workplace.
- \* A definition of all types of harassment.
- \* Where possible, proceedings and results to be kept in strictest confidence.
- The establishment of a joint union/management committee that will meet on paid time with the responsibility for training and education.
  - Investigation process to be handled by an agreed neutral third party who would have the authority to recommend discipline, e.g. ordering an apology, counselling, transfer of the harasser or dismissal.
- \* An investigative process to be completed within an agreed time frame.
- Victim to be offered counselling and/or leave with pay during the investigation, she/he will not be forced to transfer, but have the right to transfer on her/his request, and to be "made whole" by addressing any reprisals that were imposed on her/him.
  - Harasser who has authority over the victim to be transferred during investigation.

- \* Counselling to be provided as part of the rehabilitation (e.g. drug and alcohol abuse).
- \* Action for frivolous complaints to be based on just cause and will be grievable.
- \* Education on harassment and discrimination at the workplace to be the joint responsibility of the union and the employer and will be provided on employer's time.
- 2. Clearly, to ensure an effective and speedy resolve to harassment, unions have to confront it in the workplace and also within the union itself. To ensure a welcoming environment for all our present and future members, it is recommended that unions:
- \* Develop written internal antiharassment policies that outline the definition, the resolution and complaint procedures for union events.
- \* Explain and distribute antiharassment policies at each union educational, conference and convention.
- \* Union constitutions should be amended to include provisions on harassment, similar to nodiscrimination articles.
- 3. Education of our members plays an important role in ending harassment. We recommend the following action by our affiliates:
- Develop and distribute educational material on harassment and discrimination.
- Include articles on harassment and discrimination in newsletters, bulletins and other publications.



- \* Sponsor seminars and conferences on confronting harassment and discrimination.
- \* Include the topic of harassment and discrimination in courses on collective bargaining, stewards' training and leadership training.
- \* Provide training for union staff on harassment and discrimination.
- \* Assist harassment victims in filing workers' compensation claims.
- \* Develop a questionnaire to survey the membership on harassment to determine the extent of the problem. This should be done in conjunction with an educational program on the issue.
- Central labour bodies have an important role to play in challenging harassment. In the coming year it is recommended that the OFL:
- \* Develop a guide on challenging workplace harassment and explore funding for other educational materials.
- Hold a one-day conference for local union leadership on Confronting Workplace Harassment.
- \* Request the CLC to develop a video and a weekend course and a six hour module for steward and leadership training on workplace harassment.
- \* Request the CLC to develop a training module on workplace harassment for union counselling programs.

#### **GOVERNMENT ACTION**

The collective agreement is an effective tool to ensure workplace equality. Equity issues are often the last to reach the bargaining table and the first dropped. For unorganized workers there is no option to

developing a harassment policy other than what the employer deems appropriate. Government action is needed for public education and legislative changes to combat harassment in our workplaces and society.

The Ontario NDP government has committed to a broad public education campaign on violence against women and sexual assault. These measures go beyond previous governments and are welcomed by the labour movement, the women's community and other community groups. There is also a need for an equally proactive public education campaign on assault of people with disabilities, racism and gay bashing in the province.

- 5. Further it is recommended that the Federation call on the Ontario government:
- to continue its endeavours to end wife battering and sexual assault, and to launch a broad based public education campaign on assault on people with disabilities, racism and gay bashing.
- \* to provide funding for community groups to provide counselling and advocacy for harassment victims.

Legislation also plays a key role in combatting harassment. Filing complaints under the Ontario or Canadian Human Rights Legislation can take many years. The impact on the victim of years of delay causes needless hardship and stress. Cases that take two to ten years to resolve give meaning to the phrase 'Justice Delayed is Justice Denied'.

As this policy paper has frequently pointed out, there is little hard data in the extent of workplace



harassment. Many workers do not report harassment because of fear of embarrassment, reprisals and knowledge of the long delays in resolving cases. In order to learn more about the extent of harassment, we recommend:

6. The OFL call on the Ontario Human Rights Commission to conduct a comprehensive survey of workplace harassment and the most effective methods of stopping it. This survey should be developed after consultation and the results made public.

We cannot achieve equity in our society on a case by case basis. To achieve equality, one of the driving forces should be a <u>Code</u> that encourages pro-active measures and an efficient Human Rights Commission.

The Ontario government is to be commended on its recent commitment of \$6.4 million to speed the work of the Ontario Human Rights Commission. A 33-member team will wipe out the backlog of the over 2,500 cases that are more than six months old within the next year. Also there will be a revamping of staff training and improved management practices.

The government also has committed to overhaul the <u>Ontario Human</u>
Rights Code which would allow the Commission to better address complaints.

 The Ontario Federation of Labour recognizes that both short and long term strategies are needed for reform. Accordingly, we recommend:

- \* After consultation, the Ontario Human Rights Commission must develop more efficient processes of resolving complaints.
- \* Further that the Commission's boards of inquiries are reflective of the community it serves and should move away from the Commission's traditional approach of lawyers and judges.
- 8. After consultation, the Ontario
  Human Rights Code must be reviewed and amended.
  Amendments should:
- (i) add protection from discrimination and harassment on the basis of political belief:
- (ii) add sexual orientation to the prohibited grounds of harassment Code Section 2(2), 4(2) and 6(1);
- (iii) allow class action and third party suits:
- (iv) give the Ontario Human Rights
  Commission the authority to develop regulations with effect in law (e.g. racial harassment and drug testing guidelines);
- (v) require that administrative tribunals (e.g. Workers' Compensation Board, Pay Equity Commission) which become aware of human rights violations, report them to the Ontario Human Rights Commission, and the Ontario Human Rights Commission to pro-actively begin an investigation:
- (vi) The Ontario Human Rights
  Commission be required to keep
  statistics on what happens to all
  complaints, e.g. number of inquiries,
  complaint withdrawn, resolution



between parties or Commission, etc.

- Add stress as a compensable injury in Workers' Compensation Board operational policy manual.
- 10. Amend the Employment Standards
  Act and the Ontario Labour
  Relations Act to include antiharassment provisions.
- 11. The Ministry of Labour develop and provide ongoing mandatory human rights training for arbitrators.
- 12. Federally we recommend that, through the CLC, the labour movement call for amendments to the Canadian Human Rights Act that would:
- (i) prohibit discrimination and harassment based on sexual orientation;
- (ii) allow class action and third party suits:
- (iii) add protection from discrimination and harassment on the basis of political belief.

The Ontario NDP government has committed to the introduction of another key piece of legislation, mandatory employment equity. Antiharassment policies are a crucial component to any employment equity plan. The legislation will not only enable women, visible minorities, people with disabilities and native people to gain access to the workplace, but also develop mechanisms to ensure they can remain and progress throughout the establishment.

13. The OFL and its affiliates re-affirm our support for mandatory

employment equity legislation that provides for the right of unions to bargain the development, implementation and monitoring of plans.

#### CONCLUSION

Unions have historically been agents of social change. We have been at the forefront of struggles for decent working conditions, adequate pensions and medicare. Some of our struggles for change have forced us to discuss issues that are personally challenging. Stopping harassment before it starts must be a priority. We must make harassment totally unacceptable in our workplaces, our unions and our society.





United Steelworkers of America





#### Friends

One of the strengths of the United Steelworkers is our responsiveness; how we, as 160,000 concerned Canadians, respond to the challenges and crucial issues confronting us.

At our 1989 National Policy Conference, we formulated policies that deal with several of these issues in a pragmatic, reasonable, and effective manner. Delegates to the National Policy Conference adopted policy papers on five very important matters.

- Environment
- Free Trade
- Family Responsibility
- Pensions
- Racial Harassment

These policy papers have been reproduced in this booklet form for your use, and to help spread the message about our Union's involvement in areas that affect our union and our society. I hope you find them useful.

In solidarity

Gérard Docquier

National Director, Canada



## A POLICY TO PROHIBIT AND PREVENT SEXUAL HARASSMENT IN THE WORKPLACE





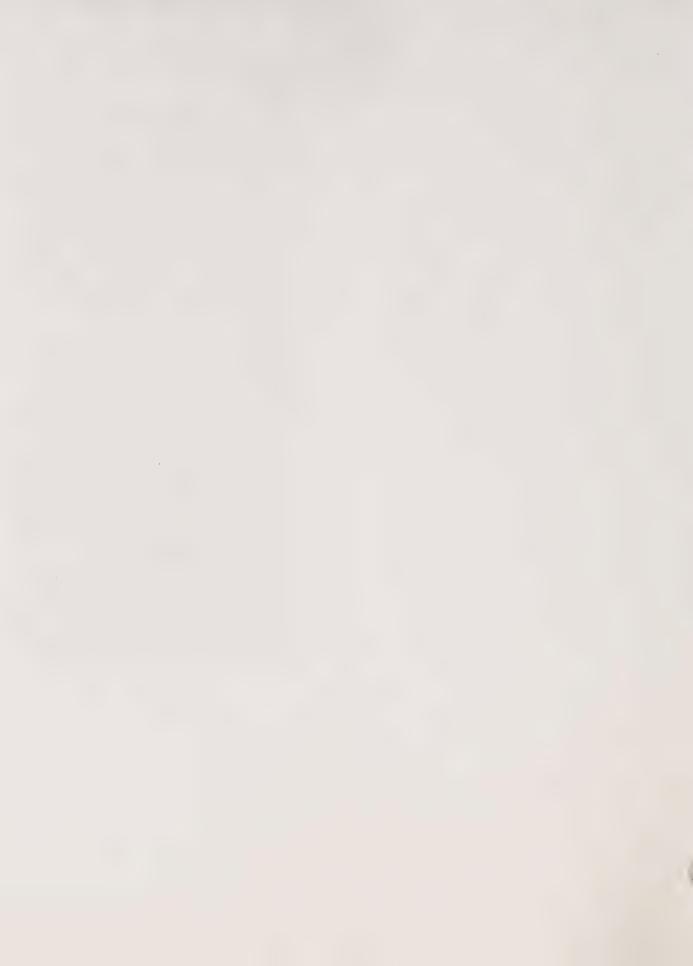
# A POLICY TO PROHIBIT AND PREVENT SEXUAL HARASSMENT IN THE WORKPLACE

While the overwhelming majority of the members of the United Steelworkers of America are men, the union has long recognized the need to eradicate sexual harassment. Not enough has been done in the workplace. This Policy is a major step forward on behalf of women and men in our union. It is a responsible approach to a difficult problem and commits the union to handle complaints confidentially and to seek resolutions by mediation. It also reaffirms our commitment to defend all our members from employer unjust discipline or discharge. The union believes that this Policy will serve as a model for other unions and will be welcomed by employers.

Grievances arising from a sexual harassment complaint will not be treated any differently from grievances arising from any other workplace event. The Steelworkers union is committed to incorporating the essential elements of this new Policy into collective agreements, thereby making the collective agreement and the grievance procedure our enforcement mechanism. Our local unions will no longer permit the fear and intimidation experienced by the victim of sexual harassment to be resolved by resorting to management and asking management to apply discipline. Too often management turns its back on the victim of sexual harassment or makes the victim feel as if s/he should never have complained in the first place.

An essential element of this Policy is the designation of union officials in each of the union's Districts in Canada as Sexual Harassment Complaints Counsellors (SHCC). Ideally, these would be unrelated to the daily affairs of any local union. Complainants and respondents will be as-

54.



sured confidentiality in all discussions with the SHCC.

# DEFINITION OF SEXUAL HARASSMENT

This Policy adopts the definition of sexual harassment recommended by the York University Presidential Advisory Committee On Sexual Harassment, published in May, 1982, as follows:

"Sexual Harassment is (1) unwanted sexual attention of a persistent or abusive nature, made by a person who knows or ought reasonably to know that such attention is unwanted; or (2) implied or expressed promise of reward for complying with a sexually oriented request; or (3) implied or expressed threat or reprisal, in the form either of actual reprisal or the denial of opportunity, for refusal to comply with a sexually oriented request; or (4) sexually oriented remarks and behaviour which may reasonably be perceived to create a negative psychological and emotional environment for work and study."

This is the definition of sexual harassment which the union will negotiate into collective agreements. Sexual harassment in the work place involves two distinct kinds of sexual harassment, namely worker/worker sexual harassment and supervisor/worker sexual harassment. Dealing with these circumstances forms the pro-active foundation of this Policy.

#### **PROCEDURES**

Throughout this paper, the word "complainant" refers to the person who complains and the word "respondent" refers to the person who is accused of sexual harassment.



## (a) WORKER/WORKER SEXUAL HARASSMENT

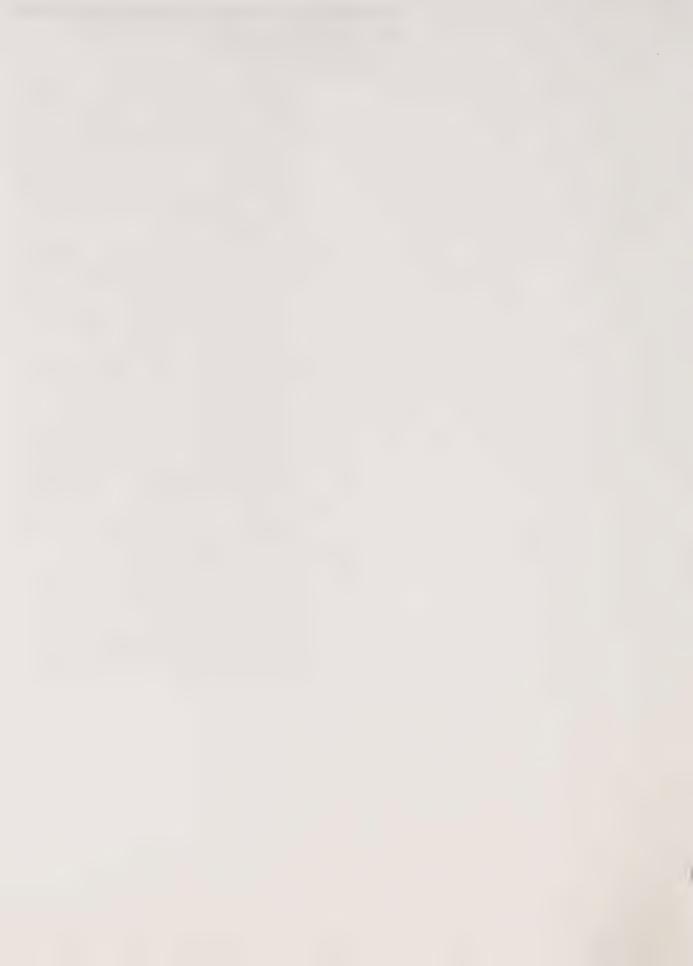
Our Policy dealing with worker/worker sexual harassment complaints is based upon a desire to mediate resolutions between co-workers in an amicable and non-adversarial manner. Because the workers involved are both members of our union, emphasis will be placed on resolving the complaint without the intervention of the employer, government agencies or the courts. It is only where mediation fails that collective agreement provisions dealing with conflict resolution may

be triggered.

Henceforth the United Steelworkers of America and all our local unions in Canada will assist the victims of sexual harassment while at the same time assuring respondents that their local union will vigorously defend them where the local union has determined that they have been unjustly disciplined by their employer. It is important that the complainant document the time, date and detailed information regarding the nature of the incident. Also, the complainant should inform the respondent that his/her behaviour or words are unwelcome and contrary to governing (provincial or federal) human rights legislation and the new collective agreement provisions, where applicable. The complainant should also ask the respondent to cease the offensive behaviour or words. Where this has had little impact on the alleged harasser's behaviour or words, it is appropriate for the complainant to make use of the remedial procedures set in place by this Policy.

Where an employee in a bargaining unit represented by the Steelworkers believes that s/he is experiencing continued sexual harassment, s/he will be able to contact the SHCC. All discussions between the complainant and the SHCC will be held in the strictest confidence. Only with the complainant's agreement will the SHCC take any further action.

The SHCC may communicate directly with the

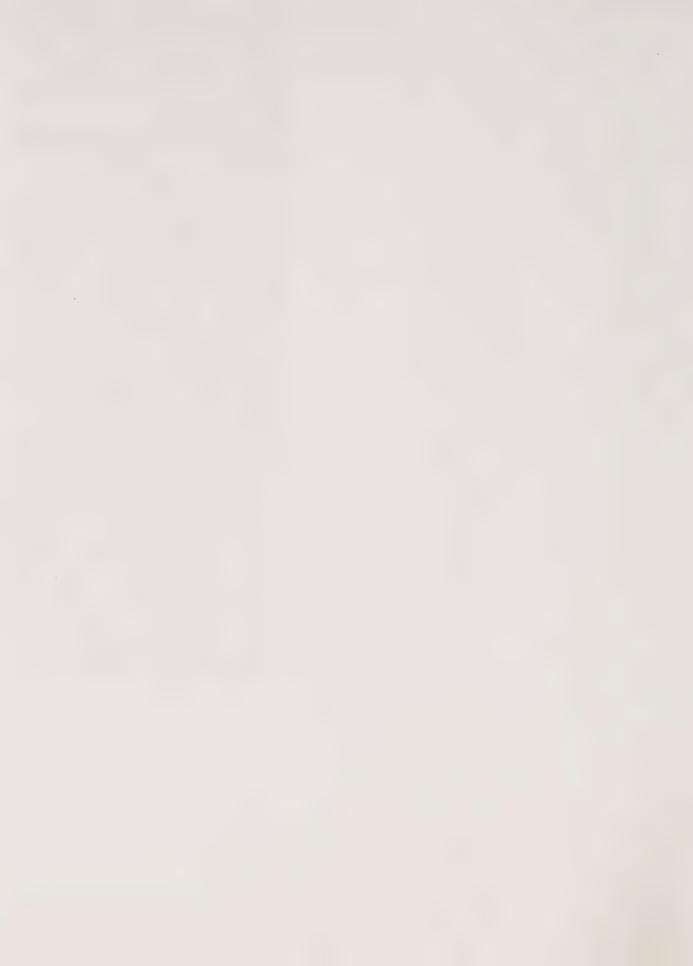


respondent to advise the respondent of the complaint and to offer to mediate. This mediation might result in an apology or a written "without prejudice" agreement between the complainant and the respondent setting out terms of settlement and a promise that the offending behaviour will not recur. The vast majority of complaints will be resolved in this way and without

any further intervention. Where the SHCC has not been able to mediate a settlement and/or where there are further incidents after the contact between the SHCC and the respondent, the SHCC will advise the respondent in writing, with the complainant's consent, that the complainant may file a complaint with the human rights tribunal in the appropriate jurisdiction. This measure is designed to urge the respondent to participate in the union's mediation process. Carriage of the complaint before a human rights tribunal will be the responsibility of the complainant. The union believes that a human rights tribunal has its own procedures for dealing with complaints and its own inquiry and mediation process. In the event that the respondent still does not respond to mediation or no settlement is possible and/or incidents of sexual harassment continue, the SHCC shall assist the complainant in the preparation of a letter to the employer. Once this letter is forwarded to the employer, the negotiated new collective agreement provisions will be set in operation thereby involving the employer. While the obligation to maintain a sexual harassment-free environment rests upon the employer, the Steelworkers union recognizes its obligation to try to resolve worker/worker disputes without putting any worker in a vulnerable position vis-a-vis the employer. If discipline of a worker is ever justified, persistent sexual harassment of a worker by a fellow worker must be

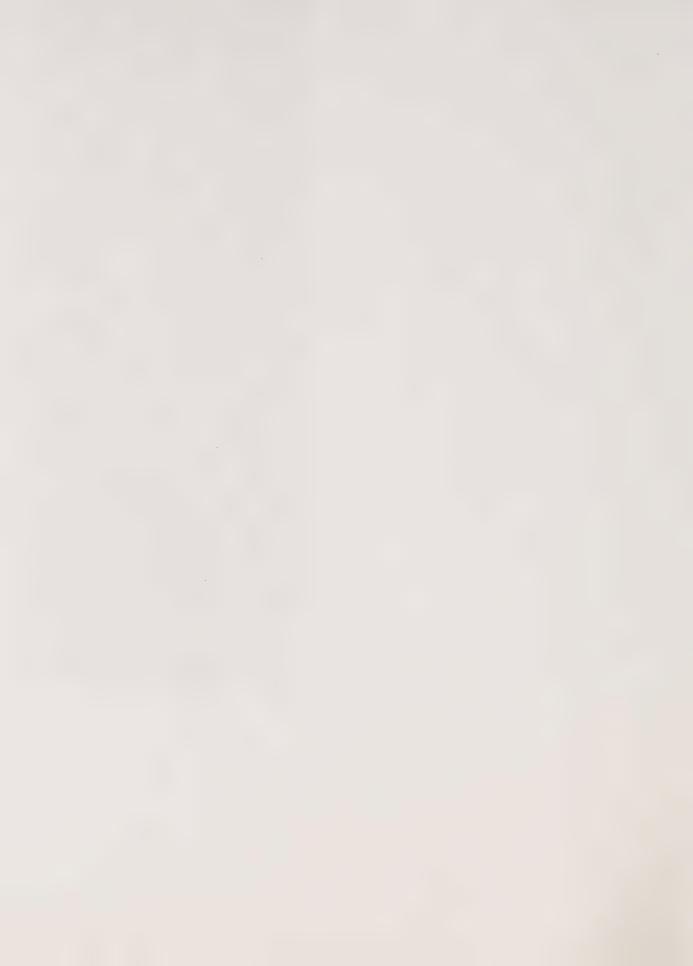
The complainant's letter to the employer will be treated confidentially. In accordance with the new collective agreement language, the letter will be referred by the employer to a Sexual Harassment Investigator (SHI) who will inves-

regarded by the union as a circumstance which justifies the imposition of some discipline.



tigate the complaint on the employer's behalf and will make a non-binding recommendation to the employer within three weeks of the employer's receipt of the complainant's letter. This recommendation will propose what action, if any, the employer should take in view of the SHI report. The SHI report will be available to the complainant and to the local union. The SHI must be a person with skill in mediation and sensitivity towards human rights and civil rights issues. The SHI must not be related to the union or the company in any way. The expenses of the investigation carried out by the SHI will be borne by the employer. In the event that the SHI investigation report to the employer leads to any discipline or action which becomes the subject of a grievance by any employee in the bargaining unit including the respondent, the local union will consider, evaluate and determine whether to proceed with the grievance through all the steps of the grievance procedure and to arbitration or whether to endeavour to settle or withdraw the grievance. The grievance will be handled just like any other grievance in accordance with the collective agreement and the practices of the local union.

New collective agreement provisions should provide that neither the SHCC nor the SHI will be a compellable witness at arbitration. If the matter is a grievance alleging improper or unjust discipline, it is likely that the complainant will be asked to give evidence and that the union may decide to put the respondent on the witness stand to answer the allegation. As is the case in any discipline arbitration proceeding, the arbitrator will not only determine whether the grievance is sustained, but will also determine whether the penalty for the alleged conduct is appropriate in the circumstances. New collective agreement language will expressly provide that the parties agree that the arbitrator has the power to direct the grievor be transferred away from the place of work of the complainant in order to avoid further contact between the complainant and the respondent. In determining whether or not to proceed to ar-



bitration and in order to assure the grievor of an independent and fair evaluation of the grievance, the local union will not be aided by the SHCC. The union will be able to evaluate the report of the SHI and will be required to obtain information directly from the grievor, witnesses, the complainant and others just as in any discipline/discharge grievance. The Steelworkers union is committed to resolving complaints amicably. Where this is impossible. the commitment extends to protecting the interests of the sexually harassed employee while maintaining procedural fairness in the interests of any alleged harassor. The union believes that our procedures will result in the amicable resolution of the vast majority of complaints without involving the SHI or any grievance process.

## (b) SUPERVISOR (COMPANY)/WORKER HARASSMENT

Where an employee in the bargaining unit believes that s/he has been the victim of sexual harassment and the perpetrator of this sexual harassment is a supervisor or foreman or the company itself, the complainant will be able to raise this matter confidentially with the SHCC who will meet with the complainant and ascertain the nature of the complaint. Thereafter, and with the complainant's consent, the SHCC may communicate confidentially with the employer to determine whether the matter can be resolved. In the event no resolution is possible, the SHCC may advise the local union of these developments and a grievance will be filed by the complainant alleging that the employer is in breach of a new clause in the collective agreement obligating the company to maintain a working environment which is free from sexual harassment. Upon the filing of such a grievance, the local union, after consulting with the SHCC will determine during the grievance procedure whether or not to process the grievance to arbitration. In



the event the grievance proceeds to arbitration, the complainant will be required to give evidence of the sexual harassment. The SHCC or a designate may be requested by the local union's servicing staff representative to present the case at arbitration if there is any precedential impact of such arbitration decision.

If the grievance is not resolved through the grievance procedure and an arbitrator allows the grievance, the arbitrator will be entitled to afford a remedy for the grievance in accordance with new collective agreement provisions empowering the arbitrator to direct that the grievor not be required to work in proximity to any supervisor or foreman found to have engaged in any sexual harassment conduct resulting in the displacement of the supervisor to another shift or work area and not the grievor. New language with respect to compensation for the grievor will also be included in the collective agreement.

#### TRANSITION

It is difficult to bargain new language into collective agreements. To a large extent, the union's success in achieving and implementing this Policy depends on the willingness of each of our members - especially local union leadership and Human Rights Committees - to lobby their fellow workers. In this way employers will come to realize that these issues are important and that their employees - our members - intend to seize the opportunity to humanize social relations in the workplace. We will succeed with some companies. We may fail with others. But we will not stop trying.

### FREEDOM FROM DISCRIMINATION

Apart from all of the other social aspects of the Policy we reaffirm our commitment to negotiate into every collective agreement in Ontario, but not in the rest of Canada a freedom from



discrimination clause which will provide every employee with the right to equal treatment by the company. With respect to all aspects of the exercise of managerial authority by the company this equal treatment shall be without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, political affiliation, sex, record of criminal offences, age, marital status, family status, handicap, sexual preference, and membership or office in the union.

#### **EDUCATION**

An integral part of this Policy is the educational component at the local union level with the active participation of the local union's Human Rights Committee. Weekend seminars, literature and local union programming, designed to heighten awareness about tolerance and equality in a multicultural society and workplace, will be encouraged by the SHCC. Stewards' training courses will be expanded to include a component which focuses on this Policy and on promoting respect between men and women in the workplace. Information brochures will be circulated amongst the membership advising of the Policy and explaining how to make use of it. Our Policy to prohibit sexual harassment in the workplace puts employers on notice that they must not promote discord amongst workers based upon gender or on any other ground. The Policy sets standards for the proposition that the Steelworkers recognizes real problems and will deal with them in a creative, fair and thoughtful way.

We seek nothing more than mutual respect between human beings. That is the basis of human equality and the foundation of trade unionism.

June 1989



#### FREEDOM FROM SEXUAL HARASSMENT IN THE WORKPLACE

- 1.1 The company shall maintain a working environment which is free from sexual harassment.
- 1.2 In the event the arbitrator concludes that Section 1.1 has been breached by the company, the arbitrator may direct that the aggrieved employee (the complainant) not be required to continue to work in proximity to any supervisor, foreman or bargaining unit employee (the respondent, as the case may be) found to have engaged in any sexual harassment conduct and that such person be reassigned to another location or time of work and the arbitrator may direct that the company pay the complainant compensation for all losses flowing from and reasonably connected to the sexual harassment conduct complained of.
- 1.3 For the purposes of this clause, sexual harassment means:
  - unwanted sexual attention of a persistent or abusive nature, made by a person who knows or ought reasonably to know that such attention is unwanted; or
  - (2) implied or expressed promise of reward for complying with a sexually oriented request; or
  - (3) implied or expressed threat or reprisal, in the form either of actual reprisal or the denial of opportunity, for refusal to comply with a sexually oriented request; or
  - (4) sexually oriented remarks and behaviour which may reasonably be perceived to create a negative psychological and emotional environment for work and study.
- 1.4 Upon receipt of a letter from a bargaining unit employee (the complainant) complain-



ing of any incident of sexual harassment conduct involving another bargaining unit employee (the respondent) and where the letter includes the signature of the union's Sexual Harassment Complaints Counsellor (hereinafter the "SHCC"), a person designated by the union to implement the union's policy against sexual harassment in the workplace, the company shall forthwith refer the letter to a Sexual Harassment Investigator (hereinafter the "SHI") who shall be directed to make a non-binding recommendation to the company within three weeks of the company's receipt of the aforesaid letter.

1.5 The letter from the bargaining unit employee referred to in 1.4 shall be treated confidentially by the company.

1.6 The expenses of the SHI shall be borne by the comapny. The SHI shall be \_\_\_\_\_\_,

1.7 The report of the SHI shall be delivered to the company, the union, the SHCC, the complainant and the respondent.

1.8 Neither the SHI nor the SHCC shall be a compellable witness at any arbitration proceeding between the company and the union and the parties agree not to seek to have either give evidence at any arbitration hearing between the parties.

1.9 In any arbitration case arising in the context of any discipline imposed for alleged sexual harassment conduct involving another bargaining unit employee (the respondent), the arbitrator is hereby expressly empowered to direct that the respondent be transferred away from the place of work or time of work of the person found to have been sexually harassed by the respondent and such transfer shall be designed to only affect the respondent insofar as that is possible and where there is any detriment to be suffered respecting job classification, seniority, wages, etc., in order to achieve an effect only upon the respondent, such detriment shall fall upon the respondent and not other bargaining unit employees. The arbitrator may direct a transfer of the respondent



# FREEDOM FROM DISCRIMINATION

1.1 Every employee has the right to equal treatment by the company with respect to all aspects of the exercise of managerial authority by the company, which equal treatment shall be without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, political affiliation, sex, record of criminal offences, age, marital status, family status, handicap, sexual preference, and membership or office in the union.



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United Steelworkers of America
234 Eglinton Avenue East, 7th Floor
Toronto, Ontario M4P 1K7
(416) 487-1571
E. Gérard Docquier
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# CONFRONTING HARASSMENT IN THE WORKPLACE





Harassment in the workplace is cruel, destructive behaviour that is not only damaging to the affected individuals, but which, in the case of co-worker harassment, can also eat away at the very foundation of our union.

Union solidarity is based on the principle that we are all brothers and sisters, that we are equal. Harassment erodes that principle because it assumes that some union members are inferior.

The struggle against harassment is such an important and pressing issue, that the leadership of the CAW, in the first major statement of the National Executive Board, passed a policy on harassment in the workplace in June, 1988.

One key point in this policy is made very clearly: harassment is anti-union behaviour, and it will not be tolerated within the CAW. CAW members have the right to work in an environment free of harassment.



The CAW policy covers harassment on a number of grounds including disability, sex, sexual orientation, race and religion.

The role of the local union leadership is crucial to make this policy work. However it is also up to the membership to challenge harassment when it occurs. Stopping harassment is the responsibility of all our members and leadership in every plant and office where the CAW represents workers.

By respecting our brothers and sisters and confronting harassment in the workplace, we can build a stronger and more effective union.

In solidarity,

Bob Nickerson

CAW National Secretary-Treasurer



"There'd be a picture, you know, these cartoons, a picture of the perfect woman and there'd be boobs and legs. I'm the only woman that works in that area and they put it right where I'd see it. So all the guys would be down the line looking at me. 'Well, let's see what reaction she's going to have to that.' So you just throw it away. You just go and do your job."

Theresa



## WHAT IS HARASSMENT?

Harassment is not a joke. It is cruel and destructive behaviour against others that can have devastating effects. Harassment by co-workers in particular is contrary to our basic union principles of solidarity and equality.

It is an expression of perceived power and superiority by the harasser(s) over another person, usually for reasons over which the victim has little or no control: sex, race, creed, colour, marital status, sexual orientation, disability, political or religious affiliation, or place of national origin.

Harassment on any of these grounds can be made the basis of a complaint to most provincial and federal human rights commissions.

Harassment can be defined as any *unwelcome* action by any person(s), in particular by management or a co-worker, whether verbal or physical, on a single or repeated basis, which humiliates, insults or degrades.

"Unwelcome" or "unwanted" in this context means any actions which the harasser knows or ought reasonably to know are not desired by the victim of the harassment. "At first when I walked in the plant and they yelled things and whistled. I just went red. I didn't know which way to look. I would go past to where I knew I'd be more safe and wouldn't draw attention to myself for that reason. Oh I hated it. I hated it."

Karen



"I was on probation. I didn't have my 90 days, and you don't do anything wrong before you get your 90 days. This one day. I went over to talk to my foreman, to ask him for something, and as I was standing there, this other foreman goes like this and grabbed me. Oh I was so embarassed, so humiliated, I didn't know what to do. I wouldn't dare tell anybody."

Debbie

#### Sexual harassment

is any unwanted attention of a sexual nature such as remarks about appearance or personal life, offensive written or visual actions like graffiti or degrading pictures, physical contact of any kind, or sexual demands

Men as well as women can be victims of sexual harassment. However in the overwhelming number of instances, it is women who are sexually harassed by men.

Most often, the harasser is in a position of authority over the victim, such as a supervisor. While the harasser may wield some economic clout over the victim, with the backing of the union, this can be resolved.



The toughest harassment situation occurs when the harasser and the victim are co-workers. Even when both the harasser and the victim are CAW members, the union has an obligation to deal with the situation. Ignoring harassment penalizes the victim and undermines union solidarity.

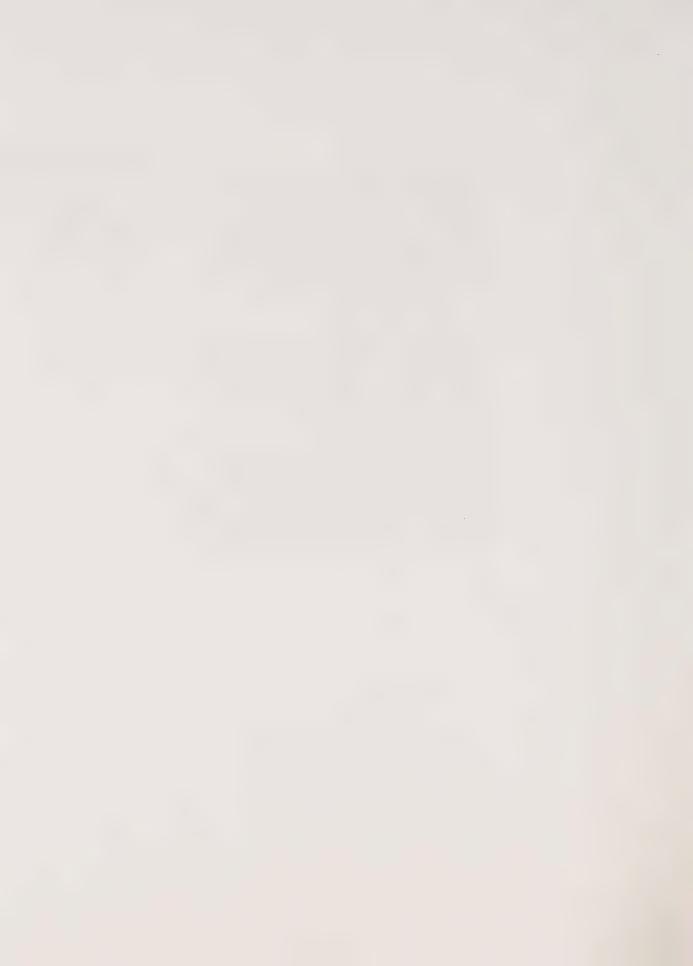
#### Racial harassment

is any action, whether verbal or physical that expresses or promotes racial hatred in the workplace such as racial slurs, written or visually offensive actions, jokes or other unwanted comments or acts.

Workers did not create racism. The roots of racism go back deep in the history of our society. Racism has served employers well as a justification for exploiting certain groups of workers more than others, and generally dividing workers and their organizations.

"A foreman was staring at a guy, so the guy turned and asked him.: "Do you have a problem?" He said: "Yes. Your black face!"

Bashir



### WHY IS HARASSMENT A UNION ISSUE?

By pitting certain groups of workers, such as women or ethnic minorities, against others, harassment creates a climate of intolerance and division among the membership. By eroding our unity and strength, it can weaken our effectiveness at the bargaining table or on a picket line.

It is the responsibility of management to ensure that the workplace is free of harassment. But just leaving the issue up to management is not good enough.

Our goal as a union must be to help create a workplace environment free of harassment. That means not only dealing with complaints when they arise, but also watching for instances of harassment and confronting the source.

"In one article in our newspaper. I said that human rights should not divide our union. They put a picture of you in the paper. They took the picture and they cut it out of the paper, and they screwed it into the wall in an area in the foundry. They put a bullet hole through the middle of the head, and they wrote K.K.K. on it."

Lerov



## HOW DOES THE CAW HARASSMENT POLICY WORK?

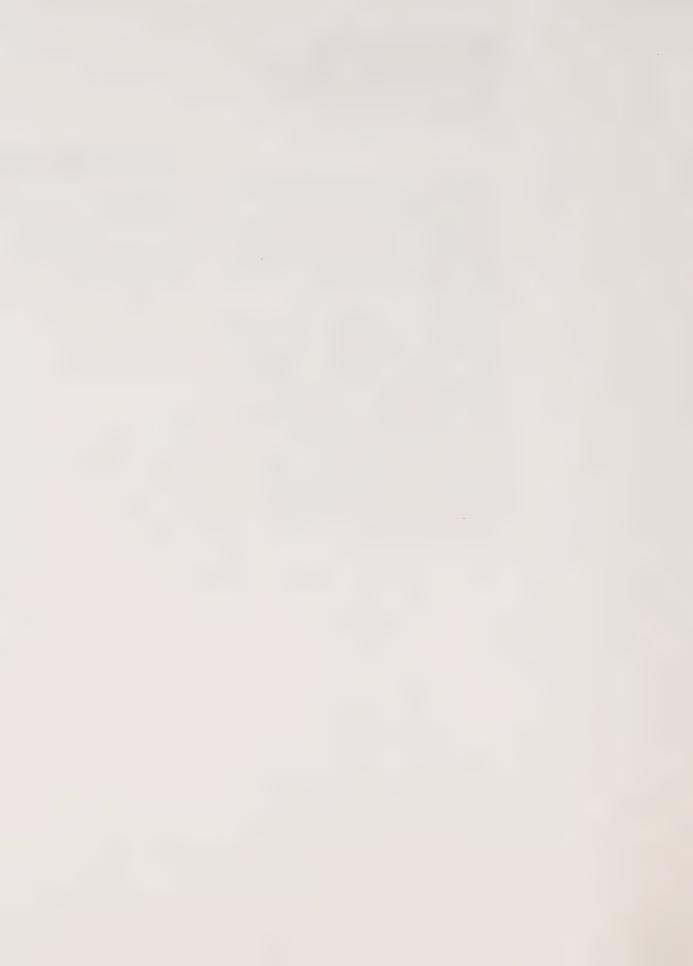
The role of the local union is crucial in combatting harassment in the workplace. The local leadership plays a key role in providing support for victims of harassment and assisting them in resolving incidents without delay.

The experience of harassment can be overwhelming for the victim. People often react with shock, humiliation and intense anger. Harassment victims may not feel comfortable going through the normal channels for resolving such a problem.

That is why under the CAW policy, harassment victims can report an incident and initiate a complaint with any one of a number of local union elected people.

"You know, you're angry and you're frustrated, and you just want it to stop and you want them to really feel what you're feeling and the hurt and the anger that you feel."

Louise



# If a worker believes that he or she is being harassed at work and wants help, the steps are as follows:

- the harassment victim can approach any local union elected person or official, including members of the women's committee, human rights committee and affirmative action committee;
- > the incident must be brought to the immediate attention of the unit chairperson and the local union president by the victim(s) or whoever they have chosen to assist them;
- the local union president and the unit chairperson must contact the CAW national representative, and if necessary, meet with a senior company representative(s) to investigate;
- within 10 working days of notifying the unit chairperson and the local union



president, the issue must be resolved, and the resolution of a harassment complaint must reflect the serious nature of such acts;

- confidentiality must be respected throughout the process;
- the national representative must notify the CAW national office about the complaint and its resolution.

This policy encourages all of us as union members to challenge harassment whenever it occurs. We must ensure that harassment does not threaten the dignity of our brothers and sisters.



## WHAT ABOUT THE HUMAN RIGHTS COMMISSION?

Nothing in the CAW harassment policy prevents a member from filing a complaint with the Human Rights Commission. However the complaints process at the Commission is so lengthy and slow that it could take months to get a resolution. To be considered, a claim must be filed with most Human Rights Commissions within six months of the incident.

"We do not enjoy sexual harassment. If men see it happening to another woman, they should come to her aid because sometimes it takes another man to point out to these guys that they're doing this."

Yvonne



#### OTHER RESOURCES

- ► These pamphlets are available in quantities from the CAW national office.
- ➤ The CAW has produced a video on harassment entitled: "Call Me Sister, Call Me Brother".
- Posters with the CAW Harassment Policy are available at the CAW national office.
- The CAW offers extensive training in human rights by specially-trained CAW instructors. Any local union can set up a course through the CAW education department. This program is designed for both local union membership and leadership.

"Racial harassment tears down-it breaks the union apart. It splits the union. The only way to stay united is to get along. And if you happen to be in the majority, to get along, we have to help the minority."

Peter

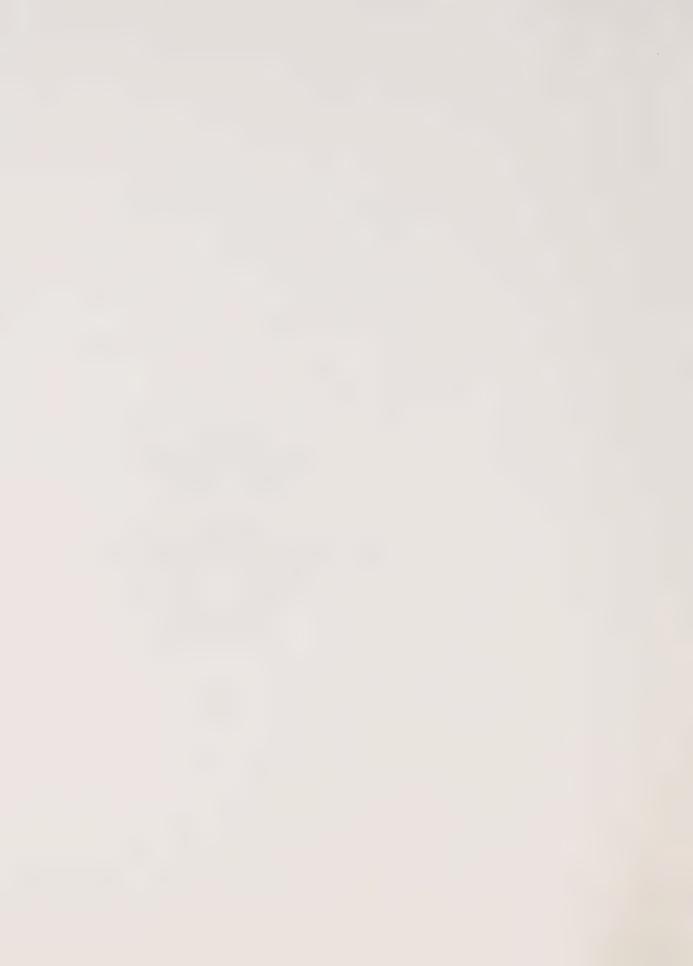




Produced by CAW Communications Department

205 Placer Court, North York Willowdale, Ontario M2H 3H9

> (416) 497-4110 Telex 06-986509



#### OFL HARASSMENT POLICY

The Ontario Federation of Labour wants to provide a harassment free environment at all Federation activities.

Mutual respect must be the basis of interaction among trade unionists in addition to cooperation and understanding. The OFL will neither tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive environment.

Harassment is not a joke. It creates feelings of uneasiness, humiliation and discomfort.

It is an expression of perceived power and superiority by the harasser(s) over another person, usually for reasons over which the victim has little or no control: sex, race, age, creed, colour, marital status, sexual preference, disability, political or religious affiliation, or place of national origin.

Harassment can be defined as any unwelcome action by any person, whether verbal or physical, on a single or repeated basis, which humiliates, insults or degrades.

"Unwelcome" or "unwanted" in this context means any action which the harasser knows or ought reasonably to know is not desired by the victim of the harassment.

Prohibited grounds under the Ontario Human Rights Code include: race, sex, age, marital status, sexual orientation, and disability.

For the purpose of this policy, racial and sexual harassment is defined as follows:

#### 1. Racial Harassment

Unwanted comments, racist statements, slurs, jokes, racist graffiti and literature including articles, pictures and posters.

#### 2. Sexual Harassment

Any unwanted attention of a sexual nature such as remarks about appearance or personal life, offensive written or visual actions like graffiti or degrading pictures, physical contact of any kind, or sexual demands.



There are two principles which are fundamental to the trade union movement: human rights and solidarity. Harassment strikes at the heart of both. As trade unionists we must work to protect rights, not take them away.

Trade union principles prohibit us from infringing on the human rights of others, and oblige us to stand with them to protect rights when others attack them.

The Federation considers harassment of any kind a serious offence. Complaints of harassment at activities of the Federation will be investigated. A substantiated complaint will result in the removal of the harasser from the event. A letter outlining the reasons for the removal will also be sent to the appropriate affiliate.

#### RESOLUTION AND COMPLAINT PROCEDURE

A person who believes that he or she is a victim of sexual or racial harassment should take immediate remedial action.

Make it clear that <u>you do not</u> welcome the attention or offensive behaviour, either on your own (verbally or in writing), or via a third party. Warn him or her that if the behaviour continues you will pursue the matter. (It may be that the individual is unaware that the behaviour is offensive).

If the inappropriate behaviour persists, approach one of the designated representatives and ask him or her to act on your behalf.

The designated representative (with or without the complainant present) will advise the OFL Director of Human Rights/ Race Relations of the problem.

The Director of Human Rights/ Race Relations (or her designate) will separately interview the complainant and the alleged harasser (and witnesses if there are any). If the problem cannot be resolved informally, the complainant will be asked to put the complaint in writing.

The written complaint will then be submitted to a meeting of the Director of Human Rights/Race Relations and the OFL Officer in charge of Human Rights who will evaluate and investigate the complaint. If it is determined that the respondent's conduct has fallen within the definition of sexual or racial harassment, appropriate disciplinary action will be taken which includes, but is not limited to, an apology, reprimand and expulsion. The principal officers of affiliated unions to which the parties are members shall be advised of all particulars.

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[harassp.eec]





#### Public Service Alliance of Canada

#### PERSONAL/SEXUAL HARASSMENT POLICY

The Public Service Alliance of Canada believes that every individual has the right to dignity and respect both within the union and in the workplace. Therefore, the PSAC strongly emphasizes any behaviour which falls within the Personal/Sexual Harassment definitions stated below is totally unacceptable and intolerable regardless of the perpetrator.

"Personal Harassment" is any behaviour by any person that is directed at and is offensive to an individual or endangers an individual's job, undermines the performance of that job or threatens the economic livelihood of the individual.

"Sexual Harassment" is comprised of offensive sexual comments, gestures or physical
contact that may be deemed objectionable
or offensive, either on a one-time basis
or in a continuous series of incidents,
however minor. Sexual Harassment is
behaviour of a sexual nature that is
deliberate and unsolicited. Sexual
harassment is coercive and one-sided and
both males and females can be victims of
it.

"Sexual Harassment" includes, but is not limited to the following:

Unnecessary physical contact such touching and patting; Suggestive remarks and other verbal abuse or threats: Leering at a person's body; Demand for sexual favours; Compromising invitations; Unwelcome remarks, jokes, inquendos taunting: Displaying of pornographic derogatory pictures; Condescension OF paternalism undermines self-respect; Physical assault.



As an on-going campaign to support this policy, the PSAC will ensure, wherever feasible, that education courses and/or seminars contain references to this policy as well as available information on harassment. The PSAC will attempt to achieve clauses in all collective agreements outlining the Employer's responsibility to maintain a harassment-free environment and the referral of harassment grievances to the final level only.

The following guidelines are provided to assist all concerned when a complaint of Personal/Sexual Harassment is received. The guidelines are built upon the principles of confidentiality, expediency, fair and due process for both the complainant and respondent.

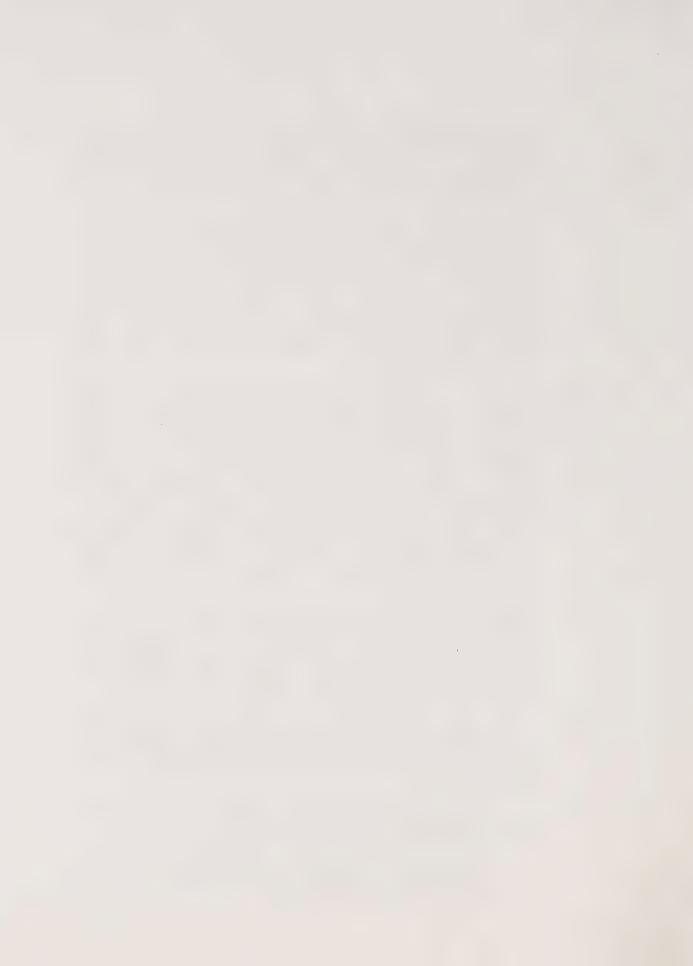
Because of the sensitive nature of this problem, all avenues of assistance should be open to a member who is being harassed. Because it can be a complex situation which Local Stewards and Officers may have difficulty approaching, they should immediately contact or liaise with a person designated by the Component. The following steps, however, would be the basic steps that a Steward would normally follow.

- 1. When a complaint is received from an individual, the Local Steward/Officer must record the details of the complaint and conduct a thorough investigation to obtain any available information concerning the complaint. All information must be treated on a confidential basis, except to the extent that is necessary to complete the investigation.
- 2. After completion of the investigation (within a reasonable period of time which will normally be within the twenty-five (25) day grievance time limit), the Local Steward/Officer must record the results of the investigation and should attempt to obtain the signature of individuals concerned on their portion of the fact sheet only.
- 3. Unless the member's (the complainant) case is acknowledged by the alleged harasser (the respondent), the Local Steward/Officer should have the matter reviewed by the Local Executive or Local Committee designated for this function.
- 4. Where there is evidence that harassment has occurred or may have occurred, the Local Steward/Officer must provide assistance and



representation to the complainant. Where a complaint cannot be substantiated, the Local Steward/Officer must inform the complainant accordingly with reasons for the recommendation not to proceed with the complaint.

- 5. Where the Local Steward/Officer has not recommended that the complaint be proceeded with and the complainant believes he/she has a valid complaint, he/she may refer the matter to the appropriate Component Officer or Component National President for review. In these situations, the appropriate officers concerned will action the matter as quickly as is practical and advise the complainant of the action to be taken.
- 6. Should it be decided to proceed with a complaint, the complainant should be advised of the various options available, such as: the Collective Agreement Grievance Procedure, the Departmental Complaint Procedure and the Anti-Discrimination Directorate of the Public Service Commission Complaint Procedure where applicable, or the Human Rights Commission Complaint Procedure. The Public Service Alliance of Canada recommends the Collective Agreement Grievance Procedure, however, unless it is an on-going occurrence, time limits may require use of another procedure.
- 7. Where a complaint is upheld and the respondent receives a disciplinary penalty, at the request of the respondent, the PSAC will review the disciplinary penalty and where it is deemed the penalty is unjust will provide the respondent with representation on a subsequent grievance.
- 8. Where the Component or Component Officer has recommended that a complaint filed pursuant to point 5 not be upheld the complainant may refer the matter to the PSAC National President for review.
- 9. Upon receipt of a complaint pursuant to point 8, the PSAC National President shall:
  - a) consult the Component concerned in accordance with Section 9, Sub-Section (2) of the PSAC Constitution; and

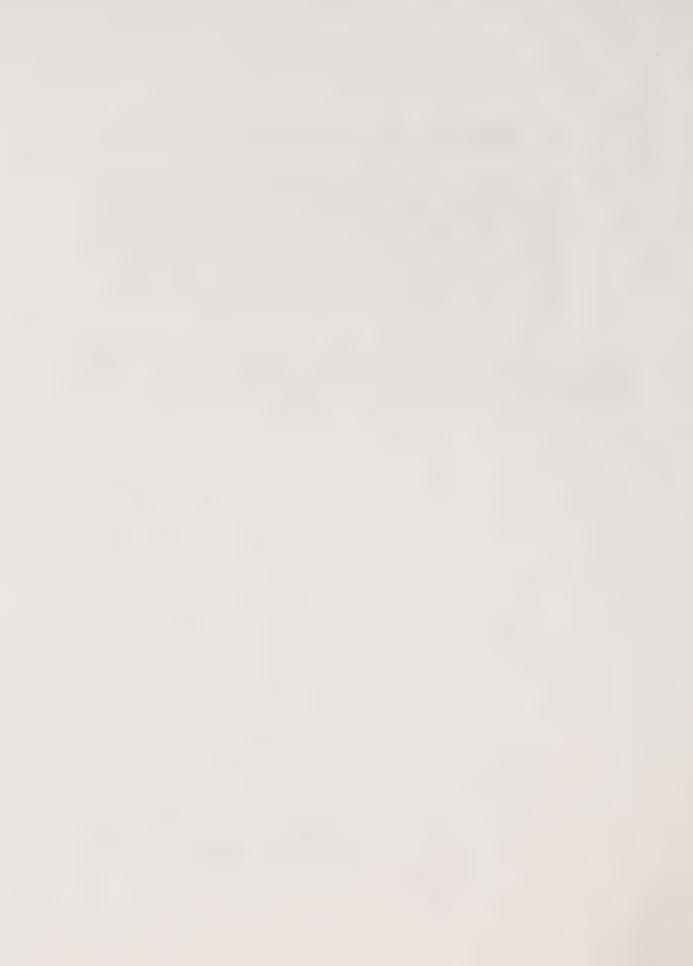


- b) where appropriate, establish a committee to review the complaint.
- 10. In a situation where it appears that the complainant may have a valid complaint, however insufficient factual information exists and the complainant wishes to proceed, the complainant should be referred to the Anti-Discrimination Directorate of the Public Service Commission or the Human Rights Commission for an independent review and investigation. And in such situations, the PSAC will assist the complainant in filing a complaint.

Any member of the Public Service Alliance of Canada who is found guilty of Personal/Sexual Harassment may be disciplined in accordance with PSAC Regulation 19 and Section 20, Sub-Section 4 (m) of the PSAC Constitution.

September 1984 NBod

Revised: January 1989 NBoD





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## HARASSMENT IN THE WORKPLACE

Almost all working women will be subjected to sexual harassment at some point or other in their working lives. Yet, despite the pervasiveness of the problem, until recently it had remained an almost uncharted area in the fight to end discrimination at work and in society as a whole. Now, with the growing initiatives of women's groups and of unions like CUPE, this devastating hazard is being brought out into the open and fought head on.

Sexual and other personal forms of harassment are fraught with fear, controversy, and emotional intensity. There is the victim's insecurity and fear of losing her job or jeopardizing her economic livelihood if she reports the harassment; the controversy over defining what constitutes sexual or personal harassment; and the emotional toll harassment exacts on victims and their families.

Because of this, unions must blend courage with sensitivity when developing educational programs, internal procedures, and bargaining and legislative strategies to deal with the problem.

A major area of contention is defining what constitutes sexual or personal harassment. Many argue that what is harassment to one person may not be to another. But this view has not deterred CUPE from taking harassment and its consequences seriously. Some elements of the definition simply can't be disputed. Harassment is an abuse of power or position. It is a form of emotional extortion, and an attack on a person's personal integrity. It is used to intimidate victims into submission, to demean them, or to adversely affect their working future. It is often repetitive, always humiliating, and always damaging to the victim's health and psychology. The key element differentiating harassment from flirtation, "friendly gestures", or kidding around is that it is not welcome, not mutual, and not equal.

Workers of both sexes have been subjected to this hazard, but the majority of victims are women. It is easy to see the social and economic roots of harassment. Traditionally, women have been thought of as sexual commodities who mean "yes" when saying "no". Women have been looked on as the physically — and, all too often, mentally — weaker sex.

Rarely have women achieved positions of power in either the workplace or the political sphere. When they have made their way into non-traditional areas, they have had to overcome prejudice and skepticism before gaining acceptance. And on the economic front, women's average earnings have consistently lagged far behind those of men.

Is it any wonder, then, that bosses, supervisors and on occasion co-workers and even fellow unionists have subjected women to the power play of sexual or personal harassment?

It is precisely for these reasons that CUPE is approaching the battle to end workplace harassment as a vital element in our efforts to achieve full respect and full economic and social equality for women.

Until recently, a victim of harassment had few options in dealing with the problem. She could either submit, quit, or endure the coercion and stress that go with non-compliance. Coming forward with her story was a risky business, since she was almost sure to be faced with blame, or doubt, or complacency, and she may not have had iron-clad proof of her allegations.

Now things are changing, albeit slowly. While legislative measures to protect workers against sexual and personal harassment are still lacking, unions have taken the lead in recognizing and combatting the problem. Backed by sexual and personal harassment clauses in their contracts, educational programs which are more effective, and unions which are more supportive, victims are finding the courage to come forward and identify and denounce the harassers.

The best strategy in this matter for us as trade unionists is to have an impact on the workplace: making management aware of the problem, making employees aware of the issue (and aware of their rights under legislation and under their collective agreement), and training local union officers and stewards to deal with the problem in the context of their workplaces and within our own structures.

What can local unions do in the workplace to put in place the key elements of this strategy? First and foremost, a strong harassment clause should be negotiated into the contract that includes a definition of

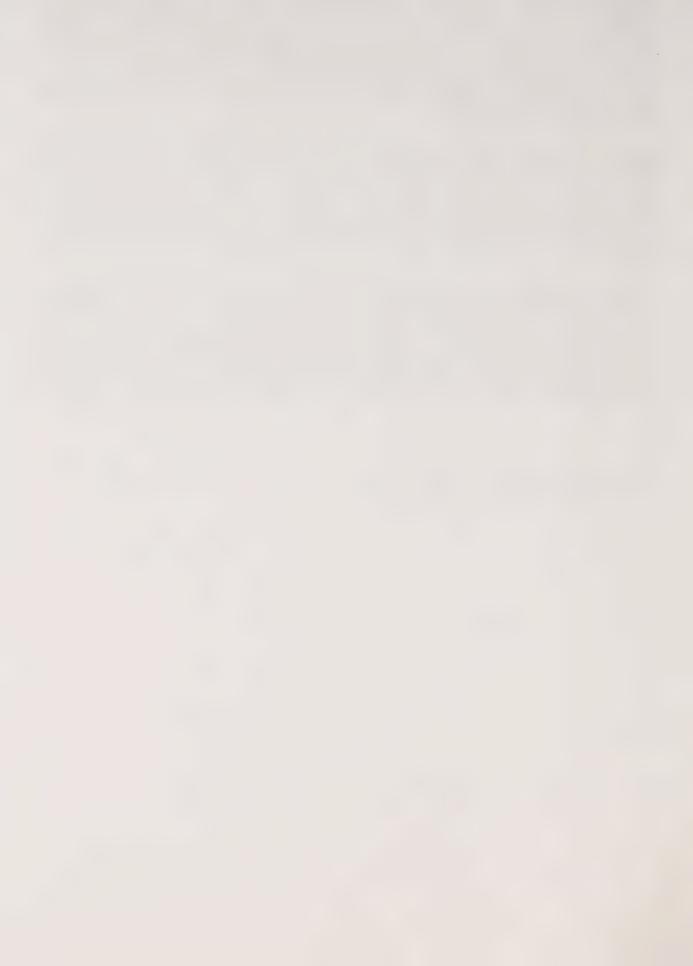


harassment, its rationale, a detailed and sensitive grievance procedure, and a strong obligation on management to assure a harassment-free environment. Beyond that, locals should press for broader educational and preventive measures. These could include a jointly developed union-management policy on harassment posted in each work area; an anonymous/confidential employee survey on the extent of the problem, with an analysis of the results circulated throughout the workplace; and joint education seminars in the workplace for employees and managerial staff, with ongoing orientation of new employees on the issue. After all, as the Supreme Court of Canada ruled in the recent, historic Robichaud case, management is legally responsible for the actions of harassers in its employ. This gives us a very good basis on which to push for progress.

At the national level, through our National Women's Task Force and our new Equal Opportunities Department, CUPE will continue to put emphasis on raising the awareness of our members on the issue and providing locals with assistance in developing protective clauses against harassment, appropriate internal procedures, and educational programs and policies for the members and for the workplace. CUPE at all levels must promote the dissemination of literature, courses, and training on workplace harassment at national and provincial conventions and CUPE-sponsored educationals. And we must also urge and assist our chartered organizations to examine our own practices, and to work to respect one another's rights in every way in our own ranks, because co-workers and fellow unionists can be harassers, too.

CUPE is confident that harassment can be stamped out in the workplace and in society. Accordingly, we will continue to push for stronger contractual and legislative measures and to develop appropriate internal procedures to end this assault on workers' dignity and health. The long-term solutions, however, lie in the broader fight to eradicate the social and economic disparities between women and men. Through that broader fight, women and men will come to abandon the restrictive role stereotypes of each other, truly recognize and remunerate each other as equals, and truly communicate with each other. Only then will we all be able to work and live in a non-threatening environment. And only then will we be able to value and trust each other as sisters and brothers in our contribution to the workplace and to society.

This policy paper was adopted by the CUPE delegates at the 1987 National Convention.



# NATIONAL CONVENTION October 14-18, Winnipeg, Manitoba



# CONGRÈS NATIONAL 14-18 octobre, Winnipeg (Manitoba)

July 9, 1991

#### TO ALL CUPE CHARTERED ORGANIZATIONS

Dear Sisters and Brothers:

Re: Combatting any Sexual or Racial Harassment at the Upcoming CUPE National Convention

Sexual and racial harassment divide us as workers, and can undermine the dignity and respect of our sisters and brothers.

Accordingly, at this year's National Convention in October, delegates and staff will be able to call on a small team of members and staff for assistance in dealing with any sexual or racial harassment.

Sexual harassment is defined in CUPE policy as any repeated and unwarranted sexual comments, looks, suggestions or physical contacts that make an individual feel uncomfortable. The same general criteria can be applied to racial harassment.

Sexual and racial harassment should not be confused with interactions which are mutually pleasing and friendly. Sexual and racial harassment are not "harmless", and should not be treated as a joke.

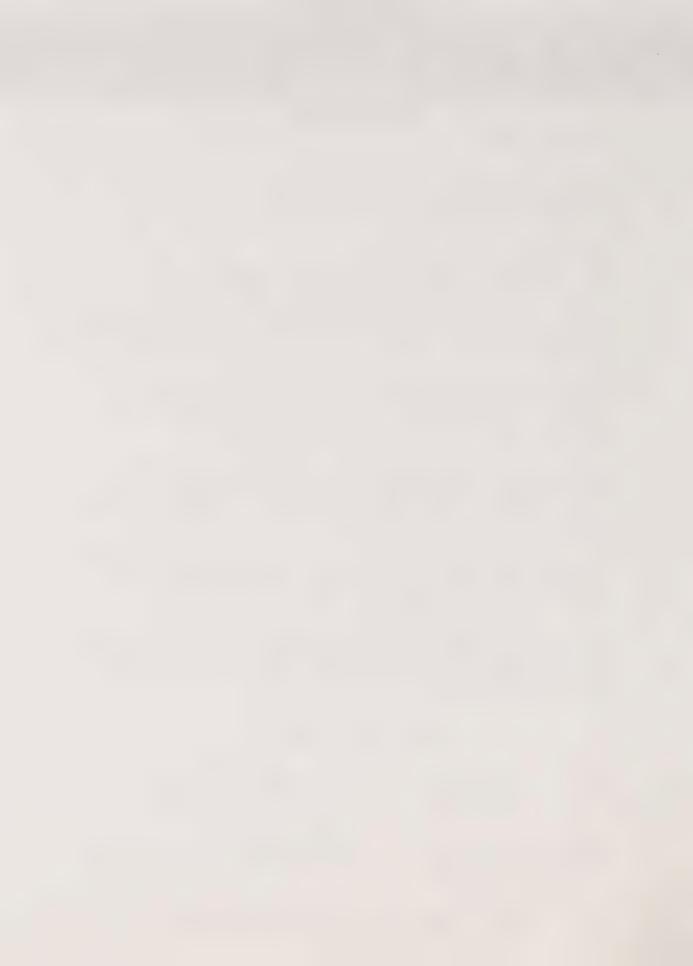
Having this team of "ombudspersons" to assist delegates and staff at the National Convention is part of CUPE's ongoing campaign to fight sexual and racial harassment wherever it exists.

Yours in solidarity,

JEFF ROSE National President JUDY DARCY National Secretary-Treasurer

:lbm/opeiu 491

c.c. Women's Task Force; Rainbow Committee



## **CWC**



# HARASSMENT POLICY

8th Annual Convention
June 3 to 7, 1991
Ottawa, Ontario



#### CWC HARASSMENT POLICY

The CWC wants to provide a harassment free environment at all its functions.

There are two principles that are fundamental to the trade union movement: human rights and solidarity -- harassment strikes at the heart of both. As trade unionists we must work to protect each others rights and not take them away.

To uphold these principles we must work and socialize together in an atmosphere of mutual respect, showing co-operation and understanding of our similarities and differences. The CWC will neither condone behaviour that is likely to undermine the dignity or self-esteem of an individual, nor create an intimidating, hostile or offensive environment.

Harassment is not a joke. It creates feelings of uneasiness, humiliation and discomfort.

It is an expression of perceived power and superiority by the harasser(s) over another person, usually for reasons over which the victim has little or no control.

Harassment can be defined as any unwelcome action — whether verbal or physical — on a single or repeated basis, which humiliates, insults or degrades.

"Unwelcome" or "unwanted" in this context mean any actions which the harasser knows or ought reasonably to know are not desired by the victim of the harassment.

For the purpose of this policy, racial and sexual harassment are defined as follows:

Racial Harassment is any unwanted comments, racist statements, slurs, and jokes. Racist graffiti and literature including articles, pictures and posters.

Sexual Harassment is any unwanted attention of a sexual nature such as remarks about appearance or personal life, offensive written or visual actions like graffiti or degrading pictures, physical contact of any kind, or sexual demands.

The CWC considers harassment of any kind a serious offence. Complaints of harassment at CWC activities will be investigated.



## RESOLUTION AND COMPLAINT PROCEDURE

A person who believes that he or she is a victim of sexual or racial harassment should take immediate remedial action.

Make it clear that the attention or offensive behaviour is not welcome, either on your own (verbally or in writing) or via a third party. Warn him or her that if the behaviour continues you will pursue the matter. (It may be that the individual is unaware that the behaviour is offensive.)

If the inappropriate behaviour persists, the victim concerned shall approach one of the **Designated Representatives** and ask him or her to act on their behalf. The same process should be followed at each type of CWC function, except that in each situation, the **Designated Representative** is different.

The Investigation of each incident will be handled confidentially and expeditiously, with particular sensitivity being shown for the victim. In conducting the investigation, the necessary records must be maintained.

The **Resolution** would include, but not be limited to, options of apology, reprimand and possible expulsion. (Additional action may be pursued in accordance with CWC's Constitution or a complaint lodged at the appropriate Human Rights Commission.)

A Written Report would be made to the president of the local the harasser comes from, with copies to the Regional Vice President. (In the event that the harasser is a staff member or officer, the report shall be made to the appropriate Regional Vice President and/or the President.)

At <u>Convention</u> the **Designated Representative** would be the Executive Board member designated as the Ombudsperson for the convention.

At <u>Conferences</u> the **Designated Representative** would be the Vice President of the Region or his/her designate.

At <u>Regional Council Meetings</u> the <u>Designated Representative</u> would be the Vice President of the Region or his/her designate.

At <u>Education Courses</u> the **Designated Representative** would be the instructor and/or Vice President of the Region or his/her designate.



At the <u>Local Level</u> the **Designated Representative** would be an appropriately trained member of the Local Executive.

In order to familiarize all CWC members, staff and officers with the policy and procedures in the event of harassment, the following steps will be taken:

- 1. A clause will be added to Article 3 OBJECTS, of CWC's Constitution to promote the right of CWC members to be free from harassment in the workplace and at all union functions.
- 2. Regional Vice Presidents will be designated Ombudspeople of the union and respond to any problems, or deal with any concerns, with regard to racial or sexual harassment in their region.
- 3. An introductory statement on harassment will be made at the start of every CWC Education Course, Regional Council Meeting, Conference or Convention.
- 4. A pamphlet will be produced outlining CWC's policy on harassment for distribution at all CWC functions, and to the executives of all locals.
- 5. A poster will be produced for putting up in CWC local offices, at workplaces and at CWC functions.
- 6. A module on harassment will be developed for adaptation and inclusion in CWC education courses as appropriate.
- 7. Training will be provided for Designated Representatives, at every level of the union, in order to facilitate their responding to cases of alleged harassment.







## **OPSEU** pledges resources to aid victims of sexual harassment

A wide-ranging program of action against sexual harassment has been adopted by OPSEU's executive board.

The focus is harassment of a union member by another union member.

The board acted at a special midsummer meeting July 24, following allegations that two female correctional officers were "seriously sexually assaulted" at the Bell Caim training school in Hamilton.

A police investigation is underway, and the government has set up an inquiry.

Other allegations of sexual harassment have surfaced recently, including an incident at Old Fort William in Thunder Bay.

The union "will make all its resources available to assist victims of sexual harassment and assault, and to educate its members about the issue," said union President Fred Upshaw.

"OPSEU members are outraged at the allegations of sexual assaults. We must demonstrate that we have zero tolerance for sexual harassment."

The board committed the union to:

- Propose to the corrections ministry a joint one-day session for all women in the ministry. "The employer should be held accountable for ensuring that our workplaces are safe."
- Explore the possibility of "substantial involvement" with the independent in-

quiry of Judge Inger Hansen and demand a royal commission into sexual harassment in the corrections ministry

- Establish a partnership with Sexual Assault Centres across Ontario, and get employers to pay the cost of counselling services for victims of sexual harassment.
- Establish a support group for women "in Corrections and other non-traditional workplaces.
- Outline clearly the support and assistance available for victims of harassment.
- Form a team or pool of trained staff and/or members (one in each of OPSEU's seven regions) to deal with sexual harassment cases in a confidential manner.
- Ask the Provincial Women's Committee to look at union structures "that create and perpetuate barriers to women coming forward to disclose incidents of harassment and receiving the necessary sup-
- The PWC to hold forums "so that all members (male and female) can speak with the committee in a confidential manner.
- Amend the union constitution to provide sanctions against members "who have breached the union's principles.
- Ensure that harassers receive rehabilitation counselling to enable them to change artitudes and behaviour.

## Here's what you can do if you are harassed at work

Sexual harassment in the workplace takes many forms: jokes, leering, touching, sneering, demands for sexual favours, suggestive gestures, persistent invitations to socialize, crude comments and questions about one's sex life.

You don't have to put up with sexual harassment. You have a right to a work environment that is free from it. Your employer is obliged to protect you from it.

If you're sexually harassed, here's what you can do:

- If you're assaulted, call the police.
- With any other form of sexual harassment, tell the harasser to stop! Make it plain the behaviour is offensive and unwelcome.
- Keep a written record of what happened, and the names of witnesses, if any. Tell someone: a trusted co-worker.
- your union steward or other local union officer
- If you feel uncomfortable dealing with them, contact your union staff representative at the OPSEU regional office nearest you. The 20 offices are listed in every issue of the union magazine Voices. Or

you can get their phone numbers from the union head office in Toronto.

- You can also get help from OPSEU's equal opportunities and human rights staff at head office (448-7414 or 448-7434). Toll-free phone numbers are: from area 416 outside Toronto, 1-800-268-8850; from area codes 519, 613 and 705, 1-800-268-7376; and from area code 807, 1-800-668-3949.
- If dealing with the harasser directly or through a mediator doesn't work, ask your supervisor to tell the harasser to stop.
- Wait a few days for the employer to discuss the matter with the harasser and get back to you.
- If you don't like the answer, file a grievance through your union steward, staff representative or the Equal Opportunities Department.
- Know your rights! Use your collective agreement. Find out if your employer has a workplace policy on sexual harassment; use it if your collective agreement is silent. Failing this, file a complaint with the Ontario Human Rights Commission, or contact the Ombudsman.

#### Help for victims is union priority, Upshaw says

OPSEU members have every right to be shocked and outraged that two union sisters were sexually assaulted at a government facility. the Bell Caim training centre operated by the corrections ministry in Hamilton.

A decade ago we amended our constitution to guarantee members freedom from sexual harassment. Members are entitled to be treated with dignity and respect.

Over the years we have built on this strong stand against sexual harassment. Recent events show that our policies need to be reinforced.

Victims of sexual harassment are coming forward in greater numbers. Incidents are not limited to one ministry or workplace. We must be careful not to point the finger at any one group of members.

We must make help for the victim our first priority. Members who are harassed by other members must know they can turn to the union for support, counselling and protection.

We must also have policies that will change the attitudes and behaviour of potential and actual harassers among our membership.

That's why I was so impressed when our executive board turned out for a special meeting in mid-July to tackle these difficult issues.

I'm sending this special edition of OPSEU News to all members. because the board wants you to know that it takes the problem of sexual harassment very seriously.

It has adopted a program to offer assistance to victims, deterrents and sanctions against harassers, and union education to prevent harassment before it starts

Sexual harassment is abhorrent to unionists. Anything that hurts one of our members hurts all of us.

By joining together to fight sexual harassment, we will encourage respect for the dignity and worth of all our members, and make our workplaces safer.

Fred Upshaw President



ONTARIO PUBLIC SERVICE EMPLOYEES UNION SYNDICAT DES EMPLOYÉ-E-S DE LA FONCTION PUBLIQUE DE L'ONTARIO



#### USWA HARASSMENT POLICY

The United Steelworkers of America wants to provide a harassment free environment at all USWA activities.

We have democratically passed tough, meaningful anti-sexual and anti-racial harassment policies at Canadian Policy Conferences of our Union. They are not just words. We take them seriously. We have and will act on them.

Mutual respect must be the basis of interaction among trade unionists in addition to cooperation and understanding. The USWA will neither tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive environment.

Harassment is not a joke. It creates feelings of uneasiness, humiliation and discomfort.

It is an expression of perceived power and superiority by the harasser(s) over another person, usually for reasons over which the victim has little or no control; sex, race, age, creed, colour, marital status, sexual preference, disability, political or religious affiliation, or place of national origin.

Harassment can be defined as any unwelcome action by any person, whether verbal or physical, on a single or repeated basis, which humiliates, insults or degrades.

"Unwelcome" or "unwanted" in this context means any actions which the harasser knows or ought reasonably to know are not desired by the victim of the harassment.

Prohibited grounds under the Ontario Human Rights Code include: race, sex, age, marital status, and sexual orientation and disability.

For the purpose of this policy, racial and sexual harassment is defined as follows:

#### Racial Harassment:

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 Unwanted comments, racist statements, slurs, and jokes. Racist graffiti, and literature including articles, pictures and posters.

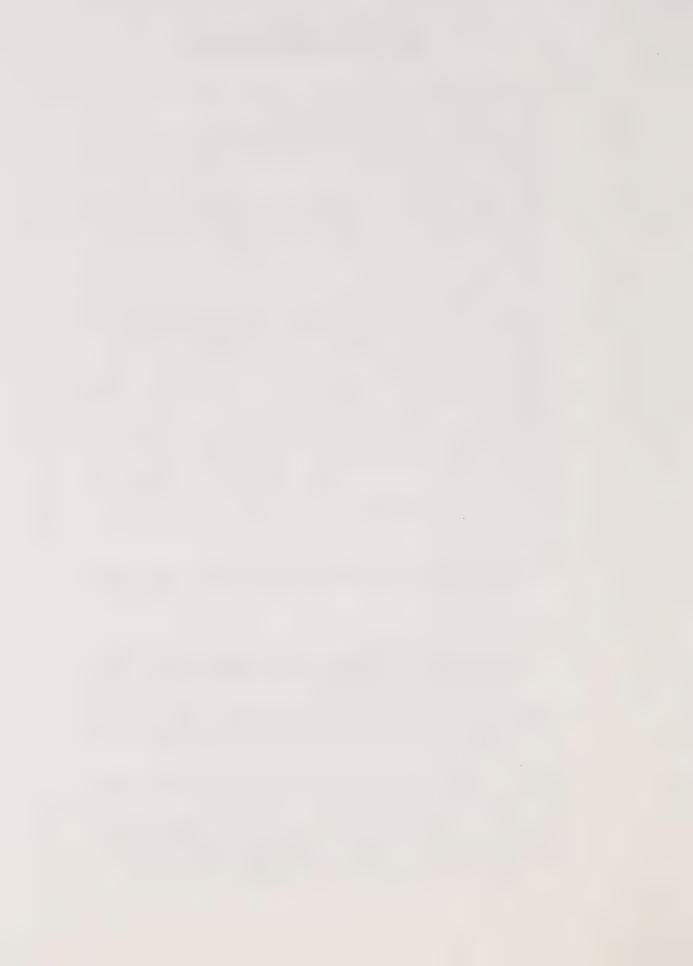
#### Sexual Harassment:

2) Any unwanted attention of a sexual nature such as remarks about appearance or personal life, offensive written or visual actions like graffiti or degrading pictures, physical contact of any kind, or sexual demands.

These are two principles that are fundamental to the trade union movement: human rights and solidarity. Harassment strikes at the heart of both. As trade unionists we must work to protect rights, not take them away.

Trade union principles prohibit us from infringing on the human rights of others, and oblige you to stand with them to protect rights when others attack them.

The USWA considers harassment of any kind a serious offence. Complaints of harassment at activities of the Union will be investigated. A substantiated complaint will result in the removal of the harasser from the event. A letter outlining the reasons for the removal will also be sent to the appropriate local union.







3750 boulevard Crémazie est, bureau 201, Montréal, Québec H2A 1B6 (514) 593-5530 1-800-361-9744 / Telefax (514) 593-1501

### POLICY ON NO HARASSMENT

It is the policy of the UFCW Canadian Council to declare our absolute opposition to any discrimination or harassment on the basis of race, colour, sex, religious or political affiliation, national or ethnic origin, age, mental or physical disability, sexual orientation, citizenship, creed record of offenses, marital or family status. To ignore discrimination or harassment is to condone the acts of the harasser and further penalise the victim.

Union solidarity is based on the principle that we are all bothers and sisters that we are equal. Discrimination and harassment erodes that principle because it assumes that some Union members are inferior.

Harassment is defined as any unwelcome action, whether verbal or physical, on a single or repeated basis, which humilates, insults or degrades. Such acts may be subtle or overt, but they are always offensive and demeaning. Unwelcome means any action which the harasser knows or ought reasonably to know is not desired by the victim.

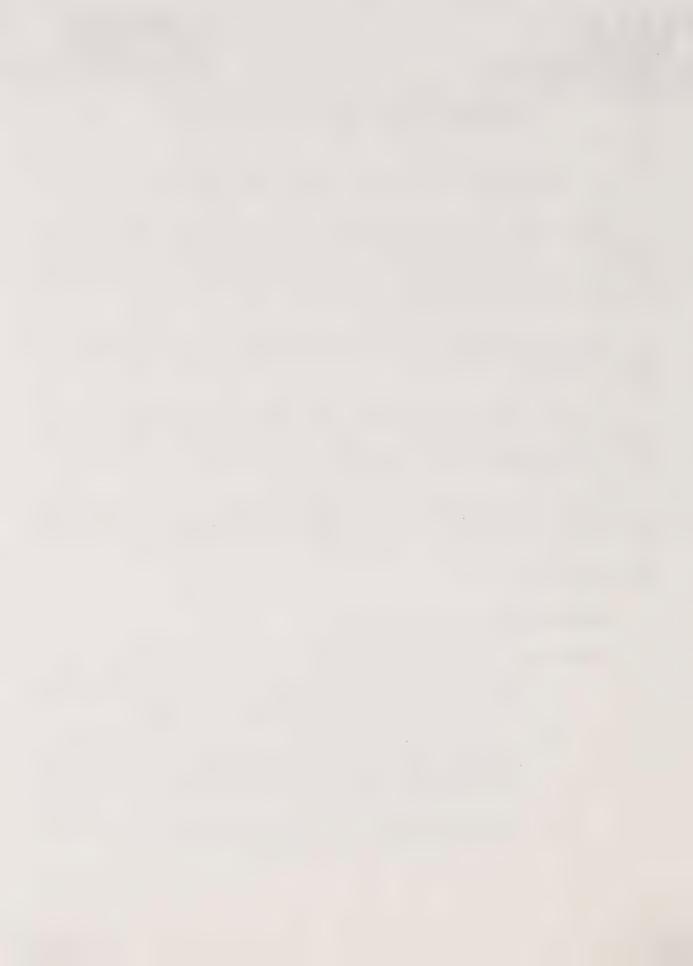
Discrimination and harassment are expressions of power or perceived power and superiority. It is intended that this policy send a clear message to harassers that their actions will not be tolerated and to empower victims with the support of their Union brothers and sisters.

#### **PROCEDURE**

- 1) Confidentiality will be respected throughout.
- 2) If a participant believes they are being harassed at the function and wants help then:
  - a) The victim, accompanied by a suportive sister or brother (if they choose) shall approach the highest Council official at the function.
  - b) The Council official will immediately investigate with a view to resolving the problem. The Council official may take action necessary to stop the harassment up to and including removal of the harasser from the function.
  - c) An incident involving the removal of a harasser must be recorded and brough to the attention of the President of the Council.







## SEXUAL/RACIAL HARASSMENT POLICY TO BE READ AT ALL UNION FUNCTIONS

CUPW believes that by encouraging participation of all our members we are building a Union that can carry on the struggle for respect, rights and dignity. That is why our Union is taking a stance against harassment at any union function. If any union member is discouraged from participating in CUPW as a result of harassment, we are all weakened.

Sexual and racial harassment and discrimination against lesbians and gays create tension and division between union members and go against the Union's principles of solidarity and equality. These principles are contained in our National Constitution.

In order to deal with any incidents of harassment or discrimination, we must define and understand what is sexual or racial harassment, or homophobia.

#### WHAT IS SEXUAL HARASSMENT?

Sexual harassment has nothing to do with mutual desire, love, attraction or affection. Sexual harassment is not sexually motivated, but rather an expression of power over the victim. It is not a joke, harmless fun or flirtation. Sexual harassment is degrading, intimidating, humiliating, and may include verbal abuse or threats, unwelcome remarks, jokes, innuendos or taunting about a person's body or attire, the displaying of pomographic material, leering and unnecessary and unwanted physical contact.

#### WHAT IS RACIAL HARASSMENT?

Racial harassment is any action, whether verbal or physical, that expresses or promotes racial hatred such as racial slurs, written or verbal offensive actions, jokes or unwanted comments or acts.

#### WHAT IS HOMOPHOBIA?

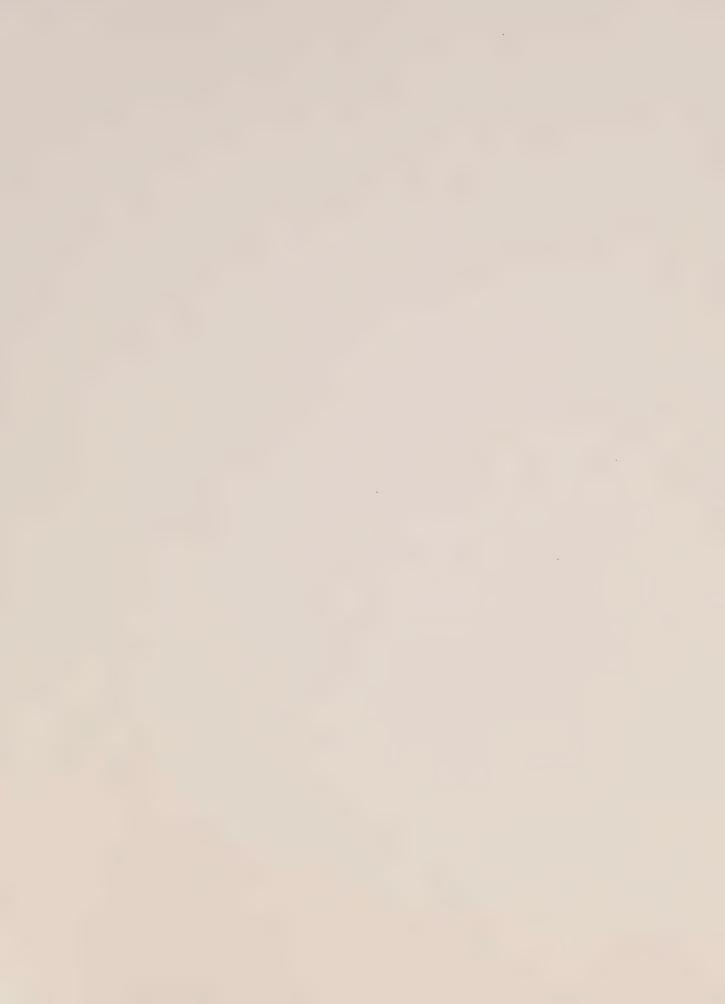
Homophobia is a fear of homosexuality and/or a dislike of certain people based solely on their sexual orientation. Like sexual or racial harassment, it includes jokes, innuendos, unwelcome remarks and taunting about a person's body, attire or mannerisms.

IF YOU FEEL THAT YOU ARE EXPERIENCING OR HAVE EXPERIENCED SEXUAL HARASSMENT, RACISM OR HOMOPHOBIA OR YOU ARE GENERALLY CONCERNED ABOUT AN INCIDENT OR ATMOSPHERE AT THIS FUNCTION, YOU ARE ENCOURAGED TO DISCUSS IT WITH OR INCOMPLETE CONFIDENTIALITY. ANY INCIDENT WILL

#### BE TAKEN SERIOUSLY.

By respecting each other's right to participate, we can collectively ensure that our union functions are harassment-free.







#### SECTION VII

#### **HANDOUTS**

SEXUAL HARASSMENT SCENARIOS: IS IT HARASSMENT?

SCENARIOS FOR ROLE PLAYS AND STRATEGIES

COURSE EVALUATION



## SEXUAL HARASSMENT SCENARIOS: IS IT HARASSMENT?

Below is a list of incidents or behaviours. Your task as a group is to place each one in one of the following categories:

- A. DEFINITELY SEXUAL HARASSMENT
- B. COULD BE SEXUAL HARASSMENT
- C. DEFINITELY NOT SEXUAL HARASSMENT

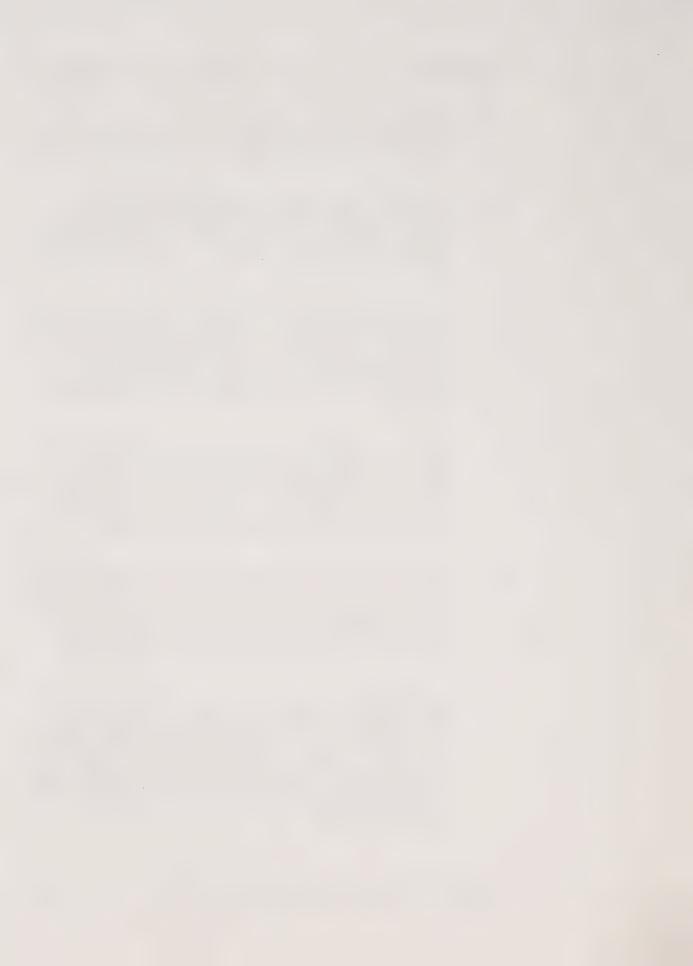
#### SEXUAL HARASSMENT QUIZ

#### PICK A MEMBER OF YOUR GROUP TO REPORT

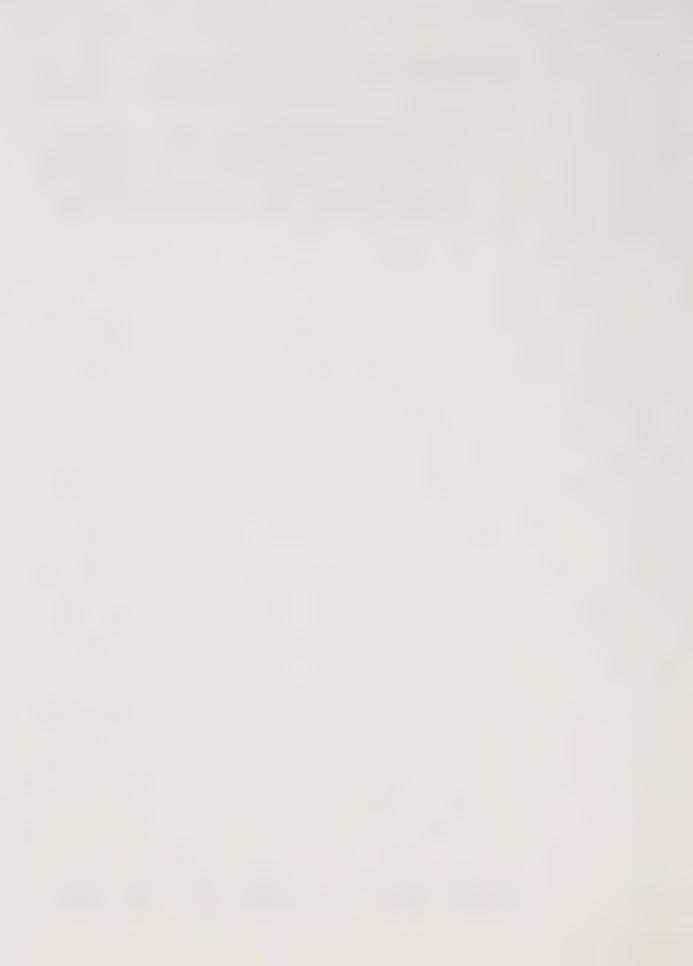
- Louis and Marguerite work in the same office. Whenever Louis is near Marguerite, he makes a point of brushing against her or rubbing her back. Marguerite doesn't like it and has told Louis that it upsets her. Louis persists.
- 2. Maria is new on the job. On her third day at work, her boss, Daniel, commented that they would have to get to know each other better since they would be working closely. He then invited her for a drink after work.
- 3. Hassan is a stock clerk. All of his co-workers are female. He is young and attractive, and the women take turns teasing him about his physique and making suggestive remarks. As a result, Hassan often finds it hard to concentrate on his work. This has led to work errors, and Hassan has been given a warning by his boss. Hassan has now asked the women to stop, but they treat it as a big joke and continue.



- 4. Several workers and a supervisor are telling sex jokes at their table during coffee break. Leslie, who is sitting at a nearby table, overhears several of the jokes and is upset.
- 5. A vacancy has been created in Marek's department for the position of assistant supervisor. Jack and Brenda have both applied for the position. At the end of her interview, Marek gives Brenda a knowing smile and invites her to continue the interview tonight at his apartment.
- 6. Robert is a local union president and has an established reputation as a womanizer. At one time or another, he has made a pass at every woman activist in the local and at conferences. Jocelyne is a new delegate from the local attending a union conference with Robert. On his return from lunch, Robert compliments Jocelyne on her appearance and gives her a rose and a wink.
- 7. Denise is an attractive young woman with a "good figure." She wears flashy clothes and loves to get compliments on her appearance. She handles herself well and usually gets the notice she wants, especially from Brian, who makes no secret of his admiration for Denise's looks. This upsets several of her female co-workers who have complained about Brian's "attitude."
- 8. During local elections, Fatima and Raymond are both running for president. Some of Raymond's supporters have been spreading rumours about Fatima's supposed affair with a staff rep. One of Fatima's supporters sees one of Raymond's supporters writing "slut" on one of Fatima's campaign flyers and there is graffiti referring to Fatima's sex life in the men's washroom at work.
- 9. Gabrielle is a new delegate at a two-day union conference out of town. After the day's session, she goes out for dinner with a group of members from her local and some new acquaintances from a local in another city. That night, at two in the morning, her hotel room phone rings. A man's voice says, "Hey, Gabby, don't you want to party? I know what room you're in." Gabrielle hangs up the phone without saying a word, and lies in bed feeling scared for more than an hour.



10. Roy works on a cable installation crew. One day at lunch, the group was sitting around telling jokes. Some of the jokes were about homosexuals, and Roy told his co-workers that he objected to them. This didn't go over very well with the guys, who now call Roy a "faggot" or "queer." In fact, one of the crew members told the supervisor he doesn't want to work on the same crew with a homosexual and has asked for a transfer.



INSTRUCTIONS FOR SMALL GROUPS (4 OR 5): In each group, read over the situation. Consider how you would handle it if you were a steward and the matter came to your attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute Role Play depicting one key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only <u>some</u> of the characters will be involved in this Role Play.

NOTE:

These situations are only hypothetical, so there is no one right answer.

# **SCENARIOS FOR ROLE PLAYS AND STRATEGIES**

- Louis and Marguerite work in the same office. Whenever Louis is near Marguerite, he makes a point of brushing against her or rubbing her back. Marguerite doesn't like it and has told Louis that it upsets her. Louis persists. Marguerite comes to the Steward to discuss this situation.
- 2. Hassan is a stock clerk. All of his co-workers are female. He is young and attractive, and the women take turns teasing him about his physique and making suggestive remarks. As a result, Hassan often finds it hard to concentrate on his work. This has led to work errors, and Hassan has been given a warning by his boss. Hassan has now asked the women to stop, but they treat it as a big joke and continue. Hassan brings the situation to the attention of the Steward.
- During local elections, Fatima and Raymond are both running for president. Some of Raymond's supporters have been spreading rumours about Fatima's supposed affair with a staff rep. One of Fatima's supporters sees one of Raymond's supporters writing



"slut" on one of Fatima's campaign flyers and there is graffiti referring to Fatima's sex life in the men's washroom at work. Fatima raises the issue with the Steward.

4. A member of the local who has read the union's anti-harassment policy comes to the local executive requesting that the union address the issue of pin-up posters around the work areas. The member feels that this is a form of sexual harassment and should be stopped. The executive considers this concern and decides to take action.



## **GROUP 1**

In your group, read over the situation. Consider how a steward would handle it if the matter came to his or her attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute Role Play depicting one key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only some of the characters will be involved in this Role Play.

NOTE:

These situations are only hypothetical, so there is no one right answer.

Louis and Marguerite work in the same office. Whenever Louis is near Marguerite, he makes a point of brushing against her or rubbing her back. Marguerite doesn't like it and has told Louis that it upsets her. Louis persists. Marguerite comes to the Steward to discuss this situation.

- Let one person in your group take on each of the following roles:
   Marguerite
   Louis
   Marguerite's witness
   Steward
   Role Play Observer/Recorder
- 2) In your group, work out a strategy for handling the case.
- Prepare a three-minute Role Play. Act out the first meeting between the Steward and Marguerite.



## **GROUP 2**

In your group, read over the situation. Consider how you would handle it if you were a steward and the matter came to your attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute Role Play depicting one key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only some of the characters will be involved in this Role Play.

NOTE:

These situations are only hypothetical, so there is no one right answer.

Hassan is a stock clerk. All of his co-workers are female. He is young and attractive, and the women take turns teasing him about his physique and making suggestive remarks. As a result, Hassan often finds it hard to concentrate on his work. This has led to work errors, and Hassan has been given a warning by his boss. Hassan has now asked the women to stop, but they treat it as a big joke and continue. Hassan brings the situation to the attention of the Steward.

- 1) Assign one person in your group to each of the following roles:
  Hassan
  Female co-worker who has teased Hassan
  Second co-worker who has teased Hassan
  Steward
  Role Play Observer/Recorder
- 2) In your group, work out a strategy for handling the case.
- 3) Prepare a three-minute Role Play. Act out the first meeting between the Steward and one or two of the women involved.



# **GROUP 3**

In your group, read over the situation. Consider how you would handle it if you were a steward and the matter came to your attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute Role Play depicting one key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only some of the characters will be involved in this Role Play.

NOTE:

These situations are only hypothetical, so there is no one right answer.

During local elections, Fatima and Raymond are both running for president. Some of Raymond's supporters have been spreading rumours about Fatima's supposed affair with a staff rep. One of Fatima's supporters sees one of Raymond's supporters writing "slut" on one of Fatima's campaign flyers and there is graffiti referring to Fatima's sex life in the men's washroom at work. Fatima raises the issue with the Steward.

1) Assign one person in your group to each of the following roles:

Fatima
Fatima's supporter
Raymond's supporter
Steward
Role Play Observer/Recorder

- In your group, work out a strategy for handling the case.
- Prepare a three-minute Role Play. Act out the meeting between the Steward and Fatima's supporter who saw another member defacing the campaign flyer.



### **GROUP 4**

In your group, read over the situation. Consider how you would handle it if you were a steward and the matter came to your attention. Think about how you would proceed to investigate, advise, educate, and work toward resolution.

Each person in your small group will take one of the roles suggested at the bottom of the sheet. This should help include a variety of perspectives in your problem-solving. Try to figure out who you would interview, and in what order. Pick a recorder to make notes on the way you would proceed.

At the bottom is a suggestion for a three-minute Role Play depicting one key interview in the investigation and resolution process. You will be presenting this one scene to the whole class. Only some of the characters will be involved in this Role Play.

NOTE:

These situations are only hypothetical, so there is no one right answer.

A member of the local who has read the union's anti-harassment policy comes to the local executive requesting that the union address the issue of pin-up posters in some work areas. The member feels that this is a form of sexual harassment and should be stopped. The executive considers this concern and decides to take action with the employer.

1) Assign one person in your group to each of the following roles:

Local member
Executive member
Staff rep
Director of Personnel
Role Play Observer/Recorder

- 2) In your group, work out a strategy for handling the case.
- Prepare a three-minute Role Play. Act out the first meeting involving the Executive Member, Staff Rep, and Director of Personnel.

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# COURSE EVALUATION

INSTRUCTORS: Return completed form to your course instructor immediately following completion of course.

### INSTRUCTOR'S NAME:

DATE:

Circle one of the following statements 1 through 5. Additional space is provided for your comments.

SA - strongly agree A - agree

U - uncertain

D - disagree SD - strongly disagree

1. The course title and description accurately reflected the course content.

SA A U D SD

2. The workshop objectives were clearly defined.

3. The objectives of the workshop were achieved.

4. The instructor was well prepared.

SA A U D SD

5. I had sufficient opportunity to actively participate in the session.

SA A U D SD

6. (a) The areas in which I would have liked more emphasis/additional subject areas were:

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(b) The areas in which I would have liked less emphasis were:

7. Indicate suggestions you have to help the instructor improve his/her performance in future sessions.

8. Additional Comments:



